United Nations A/AC.109/2002/15

General Assembly

Distr.: General
22 May 2002

Original: English

Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Bermuda

Working paper prepared by the Secretariat*

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* The document was submitted late to the conference services without the explanation required under paragraph 8 of General Assembly resolution 53/208 B, by which the Assembly decided that, if a report is submitted late, the reason should be included in a footnote to the document.

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I. Background information

1. Bermuda[1] is located in the western part of the Atlantic Ocean, about 917 kilometres east of the North Carolina coast of the United States of America. The Territory consists of 8 major islands and 130 smaller islands. The largest is Great Island, or Main Island. Hamilton, the capital, and St. George's, are the two main towns.

2. Until recently, it was considered that Bermuda was discovered in 1503. Local historians now believe the Spanish navigator Juan de Bermudez first spotted Bermuda in 1505. On the basis of the new historical evidence, the celebrations marking the 500th anniversary of the discovery of Bermuda, which had initially been scheduled for 2003, will be held in 2005.[2] In 1609, Bermuda was settled by a group of English colonists and in 1610, the first slaves were brought to work on the farms and to dive for pearls. In 1620, the first Parliament was held after the Crown granted the colony limited self-government. In 1968, Bermuda was granted internal self-government and a new Constitution. In 1995, a referendum was held on the question of independence. Of the 58.8 per cent of eligible voters who participated, which is a small number by Bermudian standards, 73.6 per cent voted against independence.

3. According to 2000 estimates, Bermuda's population was 62,997 inhabitants, of whom 58 per cent were of African descent and 36 per cent of North American or European descent. The Territory remains very densely populated (1,180 inhabitants per square kilometre), with an estimated growth rate of .75 per cent for 2000. It is also on the list of countries with the highest urban population, as 100 per cent of its population lives in urban areas. The age structure of the population is as follows: 20 per cent of the inhabitants are between birth and age 14, 70 per cent are between the ages of 15 and 64 and 10 per cent are over 65. Life expectancy at birth is 79 years for women and 75 years for men.[3] According to the survey made by *The Economist*, Bermuda has the world's highest marriage rates, with 15.7 marriages per 1,000 inhabitants, and among the lowest divorce rates, with just 0.6 divorces per 1,000 inhabitants.[4]

II. Constitutional and legal issues

A. General

4. Bermuda is a Non-Self-Governing Territory administered by the United Kingdom of Great Britain and Northern Ireland. The Constitution of Bermuda, adopted in 1968 and amended in 1973, 1979 and 1989, contains provisions relating to the protection of fundamental rights and freedoms of the individual. The Governor is appointed by the Queen and the Government of the United Kingdom, after consultations with the Premier. The Governor is responsible for defence, external affairs, internal security and the police. Bermuda has a parliamentary system of government. The Government of Bermuda comprises a Governor, a Deputy Governor, a Cabinet and a bicameral legislature with a House of Assembly of 40 members directly elected for a five-year term and a Senate of 11 appointed members. Five members of the Senate are appointed by the Governor, on the advice of the Premier, three on the advice of the leader of the opposition and three by the Governor at his discretion. The Territory maintains a 700-strong Defence Regiment; the adult male population is subject to military conscription, involving three years' part-time liability for weekly drills and an annual camp. It has a police force of approximately 450 full-time officers and several hundred part-time police reserves.

5. Bermuda's law and legal system are based on English common law and principles of equity, English statute law in force since 1612 and Acts of the Bermuda Parliament passed since then. The judiciary is a separate body from the Government and its members are not elected but appointed on the advice of the Chief Justice. There are three courts presiding in Bermuda, namely, the Magistrates' Court, the Supreme Court and the Court of Appeal.

6. In October 2001, John Vereker was appointed the new Governor of Bermuda. He took office in April 2002.

7. There are three political parties in the Territory. The Progressive Labour Party (PLP) was the first party to be formed in Bermuda in 1963 to gain representation and power in a white-controlled political and economic system. The United Bermuda Party (UBP) was formed in 1964 by whites opposed to PLP policies. The National Liberal Party (NLP) seeks a middle ground.

The Premier is chosen from the majority party and heads a Cabinet of no more than 14 members of the legislature.

8. Bermuda voters in the general and other elections or referendums must be over 18 years of age. They are Bermudian by birth or status, or non-Bermudian, long-term residents of Bermuda who are citizens of the British Commonwealth and were registered to vote annually since 1979. Automatic citizenship applies to children born in Bermuda, except to those without either parent being Bermudian by birth or status. In 1998, there were about 37,000 registered voters, that is, about 58 per cent of the total population.

9. In the last general election in Bermuda, held on 9 November 1998, PLP won a majority of 12 seats in the territorial legislature, defeating UBP and taking power for the first time in the 35 years since the party system began in 1968. The next election is due by October 2003. PLP has traditionally been a pro-independence party, though the Premier pledged that the question of independence would not be raised in the first term of office of PLP.

B. Political issues

10. The question of constitutional reform proposed by the ruling PLP party continued to dominate Bermuda politics for the past year. The reform intended, among other things, to equalize the size of voting constituencies and to replace the current two-member constituencies with single-member ones. The PLP Government believed that the existing system was weighted in favour of UBP and that the election to power of PLP gave it authority to enact the reforms. The opposition argued that public consultation on the matter was essential. In January 2001, UBP submitted an 8,500-signature petition to the British Government, demanding a constitutional conference or a referendum before changes were made.[5] The United Kingdom Foreign and Commonwealth Office, which must give the final approval to any constitutional changes, insisted that "demonstrable" consultations take place before it would consider giving its approval to the proposed changes. The Premier promised to organize a series of public meetings to discuss all the proposals.

11. In August 2001, the Boundaries Commission, which consists of an equal number of members from both political parties, was created, with the task of making recommendations on the boundaries and on a number of constituencies (between 20 and 40) in a new single-seat electoral system, in place of the system with parish-based seats. The Commission's recommendations and the report on a parliamentary debate on the matter will be sent to the British authorities, after which a decision will be made by the Foreign Secretary of the United Kingdom on whether further public consultation, by way of a constitutional conference or referendum, is necessary before an Order in Council is made changing the system.[6] The Commission is required to seek input from the public. Public meetings are to be held during 2002.

12. The Order in Council establishing the Boundaries Commission categorically stated that "no account shall be taken of the racial distribution of voters in Bermuda". However, the work of the Commission was repeatedly criticized by the opposition for its lack of openness to the public and for harbouring racial motives. PLP representatives insist that the proposed reform will create parity and equality for all voters. At the same time, they acknowledge that the black population of the Territory would be de facto empowered by the reforms.[7]

III. Budget

13. According to the information provided by the administering Power, in 2001, the Government of Bermuda changed the methodology of estimating gross domestic product (GDP) from the expenditure method to the output by industrial origin method. The preliminary estimates for 2001 indicated that real GDP contracted by 0.2 per cent. For the fiscal year from 1 April 2001 to 31 March 2002, the Government budgeted $627.3 million in revenue and $683.2 million in expenditures. Anticipated revenues are down $14 million from the revenue collected in fiscal year 2000-2001. The deficit initially projected in the budget was $55.8 million.

14. After the events of 11 September 2001, the Government's revenues slipped downward with estimates for fiscal year 2001-2002, showing a shortfall of $18.3 million from the initial budget projections and totalled at $609.1 million. In particular, in the third quarter of 2001, the projected revenues received from tourism-based sources were considerably reduced. Besides, special tax relief measures (worth a total of $2.4 million) for tourist-related businesses adopted by

the Government, contributed to the reduction in tax collection.[8]

15. According to the Ministry of Finance, the Government lowered its expenditures for the fiscal year by $39.7 million. The measures included a moratorium on non-essential overtime and non-essential overseas travel and a funding freeze on vacant posts. As a result, the overall fiscal deficit fell to a revised estimate of $34.4 million; outstanding debt projected to 31 March 2002 was $160 million. Government borrowing remains at a prudent level (4.7 per cent of GDP). This level of debt is still within the legislative debt ceiling of $250 million or less than 10 per cent of GDP. In January 2002, the Government Statistics Department released the figures for the first three quarters of 2001. Increases in taxes allowed the collection of $484 million in revenue. The surplus has risen to $28 million.[9]

16. Although the Finance Minister attributed the financial difficulties to the economic downturn following the terrorist attacks of 11 September, the Government Auditor's report issued in June 2001 indicated that Government departments and ministries had already overspent their budgets by a combined $5.5 million. The report had particularly singled out the Ministry of Health and Family services, which had overspent its $40 million hospital care budget by almost $2.2 million at that time.[10]

IV. Economy

A. General

17. Bermuda has no natural resources, in the conventional sense, upon which to build a viable economy. It has historically capitalized on its location and scenic beauty and has developed a renowned tourist industry. Financial services, international business and tourism are the main economic sectors and account for the bulk of the Territory's foreign-exchange earnings. According to press reports, in 2001, tourism stopped being the second pillar of the economy and slipped to third place behind international business and investment income from overseas. Receipts for travel from tourism for the first two quarters of 2001 were $173 million, whereas the investment income coming back to Bermuda in the first half of 2001 was $222 million.[11] The public sector plays a large role in Bermuda's economy. More than 13 per cent of the workforce is either directly or indirectly employed by the Government. Manufacturing and agriculture exist on a limited scale and therefore contribute little to the economy of Bermuda. The local manufacturing sector includes printing, fish processing, ship repair and tourist-related crafts, as well as the manufacture of paint. Agricultural activity is constrained by the small amount of land available for farming. Some production of vegetables and citrus fruits is undertaken and flowers are grown for export. Construction is becoming a more significant sector, employing 6.9 per cent of the labour force in 2000, compared to 3.2 per cent in manufacturing. Bermuda imports 90 per cent of its food requirements. Bermuda's openness to the world economy and strong links with the United States economy largely determine its pattern of economic growth. Its heavy dependence on imports, overwhelmingly from the United States, and the currency's peg to the dollar, means that inflation tends to follow the United States pattern.

18. Per capita GDP in Bermuda is one of the highest in the world. According to *The Economist*, it is $41,000. At the same time, Bermuda's high cost of living relegates it to ninth place on the list of countries with the highest purchasing power. It is expected that the estimated GDP would drop by 0.4 per cent in the year 2000-2001, to $637.6 million, and then drop by 1.5 per cent, to $628 million, for the 2001-2002 year.[12] Inflation increased at an average annual rate of 2.9 per cent in 2001.

19. According to the information provided by the administering Power, by the end of September 2001, the balance of payments current account surplus was estimated to total $123 million, down $58 million from the similar indicators of 2000. The Ministry of Finance expects Bermuda's economy to exhibit continued weakness in 2002.

B. Financial services

20. Foreign banks are not allowed to operate in Bermuda; as a result, local banks benefit from a quasi-monopoly in handling lucrative international business operations for offshore clients. The Bank of Bermuda, founded in 1889, is ranked as the world's 684th largest bank and the Bank of Butterfield is ranked 795th. A third bank, the Bermuda Commercial Bank, founded in 1969 and the only bank that is owned by Bermudians

of African ancestry, was acquired in 1993 by First Curaçao International Bank, based in the Netherlands Antilles. There is no central bank in Bermuda. Instead, the Bermuda Monetary Authority is the regulatory authority of banks and trust companies. Bermuda is one of the world's leading offshore financial and business centres and the third largest insurance market.

21. According to the information provided by the administering Power, in 2001, the international business sector continued to grow. The growth of international companies also had a positive effect on Bermuda's local business services and financial intermediaries. In the first nine months of the year, the number of international companies on the register increased by 402 to reach 12,969. The Bermuda Monetary Authority reported that it approved 923 exempted company applications, which indicated a strong growth of the international register. There were an additional 135 mutual funds and unit trusts registered in Bermuda in the 12 months preceding September 2001. The total net asset value of collective investment schemes rose to $49.45 billion by the third quarter of 2001, which was 15.6 per cent higher than a year earlier.

22. As of December 2000, there were 1,500 insurance companies with a capital base of more than $59 billion and total assets of $146 billion. There were 108 insurance companies formed in Bermuda during 2001, up 15 per cent over 2000. Although the 11 September attacks had an enormous effect on the insurance market, the Finance Ministry stated that the capital and reserves were adequate to meet the claims. Moreover, the long-term effect on this sector of the economy was positive with the attraction of new capital and major new reinsures to the Territory.

23. Bermuda has recently begun to use its strong presence in international insurance markets to forge a lead in e-commerce. In early 1999, Bermuda enacted the Electronic Transactions Act, whose provisions gave the Government the power to license certification authorities for e-commerce. Bermuda's active offshore financial community, characterized by high-value transactions, and its excellent telecommunications infrastructure make it a natural e-commerce leader.

24. As was reported in the previous working papers (A/AC.109/2000/13, para. 39, and A/AC.109/2001/9, paras. 39-41), Bermuda's international financial system has come under scrutiny by the Organization for Economic Cooperation and Development and the Financial Action Task Force. Owing to the fact that Bermuda agreed to bring its practices up to international standards, it was not included on the lists of uncooperative jurisdictions published by these organizations.

C. Tourism

25. Bermuda's tourism sector has continued its steady decline that began in the 1980s, as the number of visitors has fallen. The decline is mostly attributed to increased competition from cheaper destinations and the rapid growth of cruise ship tourism as a rival to stopover tourism throughout the Caribbean. The stopover subsection, whose clients tend to spend more money in the Territory, is losing market share to the cruise ship subsection, whose contribution to the economy of the Territory is minimal. In addition, the fact that 80 per cent of stopover visitors are from the United States makes Bermuda vulnerable to economic fluctuations in that country. Travel industry experts pointed out high prices, costly transportation, lack of direct flights from continental Europe and a scarcity of high-end entertainment among the problems facing the sector.

26. As was reported in the last working paper, the Government's management of the tourism sector has become a matter of political contention (A/AC.109/2001/9, paras. 33-34). The Government continues to consider that the tourist sector should measure its achievements not by the number of visitors but by the amount of acquired revenue. For example, according to the Ministry of Finance, cruise visitors spent $19.6 million in the third quarter of 2001, while air visitors spent $112 million during the same period. This constitutes $216.19 in spending per cruise passenger and $1,272.70 per air arrival. In an effort to boost tourism earnings, the Government-hired consultants have formulated a Five-year Development Plan, the first phase of which started in 2000 but has not produced results yet.[13]

27. The report of the Ministry of Finance stated that tourism suffered a very disappointing year in 2001, as tourist arrivals in Bermuda fell by 16 per cent to a 21-year low. A significant decline in visitor arrivals in the first half of the year became much worse in the aftermath of the 11 September terrorist attacks on the United States. Members of Bermuda's hotel industry

suffered cancellation rates of 25.6 per cent in September and 28.8 per cent in October, resulting in lost revenue of approximately $5 million. According to press reports, the first three quarters of 2001 showed that a total of 382,652 visitors travelled to Bermuda, which is a 13.7 per cent drop compared to the same period in 2000. The number of air visitors dropped from 264,545 in the first three quarters of 2000 to 229,110 in the same period in 2001, a 13.39 per cent drop. While in recent years the number of cruise passengers had been on the rise, these numbers took a dramatic dive in the first three quarters of 2001, down 14.2 per cent from the same period in 2000.[14]

28. In order to improve the situation following the events of 11 September, the Bermuda Alliance for Tourism offered packaged holidays from the United States and other deals aimed at the European market. However, the Territory faced heavy competition from cheaper destinations in the Caribbean. At the regional level, in October 2001, the Caribbean Tourism Organization, of which Bermuda is a member, agreed on a $16 million marketing campaign in the United States and further $2 million to be spent on promotions in Canada, Europe, Latin America and the Caribbean.[15]

D. Construction

29. According to the information provided by the administering Power, the construction industry remained active, with an estimated value of work put in place for the first three quarters of 2001 increasing by 16.3 per cent over the same period in 2000. Output for the industry increased to $206.7 million, which represented a nominal growth of 6.5 per cent for the year 2000. The value of new projects started in 2001 received a big boost with the beginning of the construction of a second senior school, bringing the total of the first quarter to $94.5 million. A total of 193 residential units were completed in 2001. However, the value of new projects fell in the second and third quarters. Residential construction increased by 47 units between January and September 2001 compared to the same period in the previous year.

E. Transport and communications

30. Bermuda has a network of about 225 kilometres of paved public roads and another 400 kilometres of private roads. The Ministry of Works and Engineering was allocated $22.4 million from the 2001-2002 budget to refurbish ferry docks and landings and to improve the causeway and bridges. The Bermudian public and visitors to the island had become increasingly concerned over the impact of traffic congestion on their quality of life. In 1998, the Government initiated a review of transportation in Bermuda and a steering committee was formed. This committee stressed that continued economic growth cannot occur in Bermuda without a well-planned and utilized public transport system, as there is no space to expand current roads or to construct new ones.[16]

31. The number of cars licensed to operate on Bermuda's roads has increased by 70 per cent since 1980. According to the Minister of Transport, of the 20,000 registered cars on the island, around 2,000 are owned by expatriates or contract workers. The Government is developing viable public transport alternatives to the car. In December 2001, the Minister of Transport announced that he was about to implement a free transportation pass initiative in a bid to reduce congestion on the island's roads. For newly arrived contract workers, the Government would provide free bus and ferry passes for a period of three months. About 300 companies were targeted by distribution brochures and letters about the new programme.[17]

32. Airport services are reported to have improved considerably in recent years. There are regular and well-established services between Bermuda and the United States and to the United Kingdom. The Minister of Finance announced in his 2001-2002 budget that the Government would spend $4 million to upgrade runways, install new approach lighting and improve the terminal building. Following the 11 September attack, Bermuda deferred landing fees and waived airport rents for two months to assist ailing airlines and boost flagging tourism. In December 2001, the Senate approved a new $4.25 airport security fee to defray costs of security at the airports, which will be added to the price of flight tickets. With the introduction of the aviation security fee, the Minister of Transport announced the intention to acquire and install hi-technology X-ray machines for inspecting checked baggage.[18]

33. Hamilton serves as the main port in the Territory and supports container facilities, whereas port services are provided at St. George's and Ireland Island, a free port. According to *The Europa World Year Book*, in 2000, it was proposed to enlarge Hamilton docks in

order to accommodate larger cruise ships. There remained, however, fear that such a measure could put extra strain on the environment and infrastructure.

34. According to *The Economist*, Bermuda leads the world in the number of telephone lines per 100 people (85.7). In Bermuda, 43.7 per cent of the population own computers, which puts the Territory in eighth place in the world, ahead of the United Kingdom.[19]

V. Military issues

35. The armed forces of the United States and the United Kingdom shut down their installations on Bermuda in 1995 (see A/AC.109/2000/13, paras. 17-21). The economic disruptions caused by the base closings for the most part seem to have been absorbed. Yet an important residual issue is the request made by the Government of Bermuda to the Government of the United States requesting the latter to clean up the areas of the island that it had polluted during its military presence. This damage includes 200 container-loads of asbestos in former military buildings, residue from oil and sewage that was pumped into a system of caves under one of the bases and the existence of potentially harmful metals such as mercury, lead and cadmium. All this has prevented the areas from being developed. The Government of the United Kingdom cleaned up areas under its control before leaving Bermuda, but the Government of the United States has so far refused to do so. The British Government took the lead in negotiation with the United States over cleaning up environmental damage at the former base lands, in 1998. A 1997 study estimated clean-up costs at $65 million. The United States considers, first, that it should not be responsible for the clean-up unless there is a clear and imminent damage problem and, secondly, that if it adopts a more lenient policy, it will be called on to carry out environmental clean-ups in many other parts of the world at immense cost. The United States also argues that it built the facilities that now belong to Bermuda at no cost to the Territory. Among those facilities is the airport, which made possible the development of Bermuda's tourist industry. In January 2002, the Bermuda Land Development Corporation demolished buildings at the former military base in St. David's, as it was considered too expensive to convert some existing houses left by the United States forces.[20]

36. An Order in Council of 11 December added Bermuda to the list of colonies covered by the United Kingdom Visiting Forces Act 1952, which sets down the law on how visiting foreign forces are to be handled in civil or criminal matters. The addition of Bermuda to the list shows that some progress has been made in negotiations over the former United States baselands.[21]

VI. Social conditions

A. General

37. While Bermuda's GDP is among the highest in the world, redressing inequalities in wealth on the island has been a priority for the current Government, which has emphasized social development and has accordingly channelled increased resources towards human service areas such as health, education, housing and social welfare. A wide range of welfare work is undertaken by the Department of Health and the Department of Social Services; there are also a number of voluntary organizations to treat specific problems, an increasing number of which deal with social pathologies related to drug abuse. Almost all employees are registered under the Government's pension scheme and since 1970, health insurance has been made available to all Bermudians.

B. Labour

38. With near-full employment and full pension coverage for Bermudians, most labour issues concern the quality of work available and the effect of foreign workers on the Bermuda labour market. In 2001, the Government set a six-year limit on work permits for foreign workers to ensure that more Bermudians are recruited and trained for the best jobs. According to press reports, the new rules and restrictions on work permits are in line with the PLP manifesto and show the attention of the PLP Government to racial issues.[22]

39. As stated by the territorial Government, of the 37,472 jobs on the island in 2000, the distribution of employment by industry group was as follows: public administration — 4,259; retail trade and repair service — 3,797; hotels — 3,380; international business activity — 3,216; financial intermediation — 2,974; transport and communication — 2,918; education, health and social work — 2,796; construction — 2,601; other community, social and

personal — 2,207; restaurants, bars, cafes — 1,795; wholesale trade and motor vehicles — 1,293; manufacturing — 1,211; agriculture, fishing and quarrying — 561; real estate and rent — 449.[23]

40. According to the administering Power, the total number of filled jobs in Bermuda declined in 2001 by 429 (1.1 per cent) to 37,588, mostly owing to the large number of temporary positions created by the 2000 census. Weakness in the tourism industry resulted in 170 fewer filled jobs (15 per cent) in the hotel sector and 103 fewer jobs (12.7 per cent) in the retail sector. At the same time, the international business sector recorded employment growth of 70 positions (+2.1 per cent) and business services increased by 219 positions (+6 per cent). Strong employment growth of 155 positions (+5.9 per cent) was also recorded in the construction sector.

41. With respect to the immediate labour prospects, the Government's principal economic policy adviser considers that there will be fewer jobs in Bermuda as a result of the recession which has hit the United States, particularly in the tourism sector, owing to reduction of travel from the United States mainland and the related decrease in foreign visitors' spending. At the same time, there will be jobs created by the new insurance companies directly (140 to 210 jobs), as well as jobs created indirectly by the positive effect on the economy. Many of the new jobs will be filled by foreigners but most of the companies have pledged to train Bermudians in the specialist fields.[24]

C. Education

42. Education in Bermuda is compulsory for all children from 5 to 16 years of age, and is free in government schools. The literacy rate is high; 98 per cent of all males and 99 per cent of females 15 years of age and over can read and write. There are 39 State schools — 30 primary, 5 middle, 2 secondary and 2 special schools. There are some private schools as well. In the 2000-2001 academic year, 6,378 students were enrolled in government schools and 3,612 in private schools, with a further 950 on waiting lists. There are 12 pre-primary schools in Bermuda, serving approximately 452 pupils. There are 713 teachers in the State school system.[25]

43. There are no degree-conferring universities in Bermuda. The Government awards a number of scholarships each year to young Bermudians accepted at universities in the United States, Canada and the United Kingdom. Scholarships are also awarded by local banks, principal law firms and Bermuda-based international companies. Under the Bermuda Government's National Education Guarantee Scheme, begun in 1994, no Bermudian student with university potential is denied an opportunity for further education owing to a lack of funds.

44. Bermuda considers the high level of education of its inhabitants to be a major component of its comparative advantage relative to other offshore centres. The 2001-2002 budget contains $35.3 million in capital investments in public education facilities. According to press reports, the Terra Nova tests conducted in 2001, which compared the skills of Bermudian and American pupils, showed that Bermuda's six-year-olds can perform as well or better than American children. While the United States average in each of the reading, language and math categories was 1.9, the Bermudian averages were 2.3, 2.5 and 2.1, respectively. According to the Minister of Education, the most significant reason for the excellent results was that primary class sizes had been reduced to an average of 15 students. The Government planned to invest $3 million in improving the early years of education by the start of the 2002 school year.[26]

D. Public health

45. Medical care is provided by private practitioners and three government health clinics. Fees are charged for hospital care, and medical insurance is compulsory for all workers. A hospital levy covers the cost of services rendered by the hospitals to children under 16 years of age. Indigent persons over 65 years of age pay 20 per cent of hospital costs. In the 2001-2002 budget, the Ministry of Health and Family Services received the highest spending allotment, representing an 11.2 per cent rise over the previous year.

46. According to the Health Insurance Association of Bermuda, the cost of health care has increased 100 per cent over the past decade owing to greater technology, an ageing population and more demanding patients. From 1997 to 1998 alone, Bermuda increased its spending on the health system by $8 million, of which $2.3 million was borne by the Government, $4.3 million by insurers and $1.4 million by consumers. In December 2001, insurance companies and medical

societies of Bermuda backed calls for a national health council to take steps to reduce massively the number of patients going overseas for treatment they could get in Bermuda.[27]

47. According to *The Economist*, Bermuda ranks sixth in the world for the incidence of AIDS (*The Royal Gazette*, 7 November 2001). Press reports indicate a decline in the number of new cases of AIDS, while sexually transmitted infections (including gonorrhoea, herpes and syphilis) have been rising rapidly. There has been a total of 453 cases of AIDS in Bermuda, of which 75.9 per cent were men. Of these, 356 cases have ended in death. About 40 per cent of the cases are the result of intravenous drug use.

E. Housing

48. Housing prices are high in Bermuda and a shortage of residential housing still exists. The Government continued to support the Bermuda Housing Corporation, which it created to solve the housing crisis of the 1980s and to provide affordable housing to low-income families in Bermuda. The Corporation will receive in 2001-2002 a non-recurring grant increase of $1.2 million to stabilize its cash flow position until it begins to receive rental income from its new additions to the rental stock. Once this income begins to be generated, the Corporation's grant will be reduced to its former level of approximately $2.5 million.

F. Immigration

49. The strength of Bermuda's economy and its consequent need for labour has made immigration a permanent feature of Bermuda's socio-economic profile. Under the 1968 Constitution, Bermuda has the authority to determine its own immigration policy. Many immigrants have stayed in Bermuda and have been granted residency status. In August 1980, the Bermuda Government's Minister of Labour, Home Affairs and Public Safety issued a discussion paper (or Green Paper) on Bermuda's long-term residents. The object of the paper was to explore ways that complied with Bermuda's international human rights obligations but at the same time ensured that it did not perpetuate a system that allowed people to stay indefinitely on the island so that they might claim long-term residency or Bermudian status. In 1989, however, the Government placed a moratorium on the granting of Bermudian status, making it clear to new immigrants that they should have no expectations regarding their long-term status on the island.

50. In July 2001, the Government announced that hundreds of long-term foreign residents in Bermuda, long denied equal rights to home ownership and employment, would be eligible for citizenship. The decision meant granting citizenship to some 400 residents and job protection through a permanent resident's certificate for up to 1,100 more of the estimated 2,000 foreign residents living on the island 20 years or more. The media reports that many of the majority black population resent the demands of the predominantly white long-term residents for citizenship and job protection on the island. But the Minister of Home Affairs said a shortage of staff in Bermuda meant foreign workers were essential to keep the flourishing offshore financial services and tourism sector afloat.[28]

51. At the same time, the Government is trying to fight illegal immigration. In his Throne Speech in November 2001, the Governor highlighted immigration as a problem and stated that "immigration cheats would be hit hard" under new laws with increased fines and prison terms. People working without permits would be forced to refund their own repatriation costs and to hand over money they earned during their illegal stay. Fines would also be increased for employers with illegal workers, who would also have to pay court costs for immigration prosecution.[29]

G. Human rights and related issues

52. As reported in the previous working paper (A/AC.109/2001/9, para 74), Bermuda is covered by the human rights conventions, pursuant to accession thereto by the United Kingdom.

53. Surveys have shown that many among the black population believe they suffer racial discrimination in the workplace, particularly in the international business sector, which is dominated mainly by white overseas workers. In July 2000, the Bermuda legislature passed a law requiring every company with more than 10 employees to present detailed information on its racial make-up, including information on hiring, firings and promotions. The measure was opposed by the Bermuda Employers Council. The regulations are a central part

of the social policies of the current Government, which is overwhelmingly supported by Bermuda's black population.

54. The issue of racial equality continued to be addressed during the reporting period (see A/AC.109/2000/13, para. 66 and A/AC.109/2001/9, paras. 75 and 76). The PLP Government vowed in its election manifesto to "expand the role of the Commission for Unity and Racial Equality (CURE)", established in 1995. In May 2001, after months of public meetings and conferences with business representatives, 26,441 employees in 426 organizations completed forms proposed by CURE to detail the racial make-up of their workforce. The forms covered staff income and benefits, as well as interviews, recruitment, promotions and the reasons for the employees' separation. Of the firms that boycotted the process in 2000, most ended up in court, getting fines of $500. Firms that kept filling in the paperwork but had unfair recruiting practices could face sanctions as well. In December 2001, the names of six companies were forwarded to the Director of Public Prosecution for violating the reporting requirements of CURE again. According to the CURE first Annual Review of the Workforce (2001), blacks take up a higher proportion of posts at the lower end of the employment spectrum and less than 1 per cent of black employees earn more than $100,000 a year. While blacks comprise 54 per cent of the workforce, they hold only 20 per cent of executive management positions, just 2 per cent of those positions in international business. Of the lowest income group — those earning less than $25,000 a year — blacks represented 62 per cent, while whites accounted for 17 per cent.[30]

H. Crime

55. According to the 2001 police statistics, although there was some improvement over 1998 and 1999, there was still a 12 per cent rise in violent offences over 2000, with drugs blamed as a key factor. The total number of crimes for the period from April to June 2001 was 659, which was down compared to the first three months of the year, but a little higher compared to the same period in 2000. The number of violent crimes, including murder, sexual assault, robbery and assault, was 67, which was the second lowest for the period in five years. However, the total number of robberies for the three months was 92, which was higher than in the previous two years. There were also 236 breaking and entering offences and 12 sexual assaults. With respect to drug-related crimes, police statistics indicate that more drugs were seized in the first three months of 2001 than in all of 2000. By the end of April 2001, Narcotics and Customs officers on the island had seized a massive $12.4 million worth of drugs, mostly heroin and cocaine; seizures of cannabis were up seven times; those of heroin were up six times and those of crack cocaine increased fourfold.[31]

56. While Bermuda does not make it onto lists of countries with the highest crime statistics, its prison population statistics are quite different. According to *The Economist*, at 447 prisoners per 100,000 population, the island's lock-up rate is the seventh highest in the world.[32]

57. In October 2001, the Bermuda Assessment Referral Centre, a key element of the Alternative to Incarceration Initiative (ATI), was officially opened by the Premier. ATI legislation was passed by the House of Assembly to give drug addicts a second chance by providing them with treatment options as opposed to sending them to prison for drug-related crimes.[33]

VII. Environment

58. The Government allocated $1.5 million of its 2001-2002 budget to the preservation and enhancement of open spaces in Bermuda. This is accomplished through a fund set up by the Acquisition of Open Land Act, whose purpose is to buy virgin land in order to insulate it from development. In 2001, five new parks were added to Bermuda's protected open spaces. The biggest addition of parkland was the transfer of control of the Railway Trail to the Parks Department. With this transfer, parks on the island make up 7 per cent of the land mass, or 960 acres.[34]

59. A Bermuda Biodiversity Country Study conducted in 2001 put the Territory on the path to ratify the Convention on Biological Diversity, adopted at the United Nations Conference on Environment and Development, held in Rio de Janeiro, Brazil, in 1992 and ratified by the United Kingdom in 1994. According to the Minister of the Environment, the next phase of a five-year Bermuda Biological Diversity Project would be to prepare an action plan which would bring Bermuda's conservation efforts in line with the

requirements of the Convention. That phase is expected to be completed in 2002.[35]

60. Bermuda has established 29 Marine Protected Areas (MPA), or no-take zones. Ten of them were designated in the 1990s and the rest were established in 2000. According to scientists at the Bermuda Biological Station for Research, Bermuda's coral reefs are "reasonably healthy", while the health of reefs globally is declining. The Territory is a member of the International Commission for the Conservation of Atlantic Tunas that looks into the dwindling population of tuna species. A conference held in December 2001 revealed that Bermuda's intake of swordfish was on target. According to the Minister of the Environment, the help of the United Nations Convention on the Law of the Sea, Bermuda is solidifying its right of fishing access around the island.[36]

61. According to the Natural History Museum of Bermuda, the Territory will face further coastal erosion and deeper sea surges in the future because of global warming. Bermuda's coastline eroded from 23 to 30 centimetres in the last century, but scientists predict that, owing to global warming, the sea level around Bermuda will rise up to 100 centimetres in the coming century. However, Bermuda is better placed than many islands because it is not very low-lying. It is also predicted that the island will have more and heavier hurricanes.[37]

62. In 2001, the Historic Wrecks Act 2001 was adopted by the Government, which protects the island's marine heritage. It established a Historic Wrecks Authority, a Custodian of Historic Wrecks and imposed a one-year prison sentence or a $25,000 fine on those who tamper with a wreck or historic artefacts without a licence. In this area, Bermuda is at the forefront of the world in creating protective legislation in line with recommendations made in 2001 by the United Nations Educational, Scientific and Cultural Organization. The Act also declares an amnesty for those who may have collected historic artefacts before the legislation was adopted and asks them to bring forward such artefacts to be catalogued. In this connection, the Prime Minister of the Territory announced that thousands of historic artefacts, many from the shipwrecks dating back as far as 1500, raised from Bermuda's seabed in the late 1960s, would also be transferred from the Smithsonian Institution in Washington, D.C., to the Bermuda Maritime Museum in spring 2002. Some of the collection will be featured in a major exhibition in 2005 to celebrate the 500th anniversary of the discovery of Bermuda.[38]

VIII. Relations with international organizations/arrangements

63. Currently, Bermuda has observer status in the Caribbean Community (CARICOM) and Common Market. Recently, it has been considering strengthening its ties to the Caribbean by becoming an associate CARICOM member. To do this, Bermuda would first have to get approval from Great Britain. As an associate member, it would participate in all councils except the one on foreign relations, as well as propose and amend regional positions. Bermuda's political opposition requested the creation of a bipartisan committee to evaluate membership pros and cons. Bermuda's Premier, however, said that her Cabinet would decide on the membership. Becoming a CARICOM associate member would mark a shift for Bermuda, a prosperous tourism and offshore financial centre that pegs its currency to the United States dollar and has been keen in the past to stress that it is not part of the Caribbean.[39]

IX. Future political status of the Territory

A. Position of the administering Power

64. On 8 October 2001, the representative of the United Kingdom made a statement before the Fourth Committee (see A/C.4/56/SR.3) in which she welcomed the opportunity to present its position as an administering Power and reported on further progress made towards the modernization and development of the relationship between the United Kingdom and its overseas Territories.

65. The representative of the United Kingdom said that the third meeting of the Overseas Territories Consultative Committee had been held in London in September 2001. The meeting had been hosted by Baroness Amos, who had been appointed Foreign Office Minister for the overseas Territories in June 2001. The Consultative Committee provided a forum for structured political dialogue and exchange of views between the elected representatives of the overseas Territories and Her Majesty's Government. The

meeting had been an opportunity to continue dialogue on the management of public affairs and future development of the overseas Territories and enabled Ministers and overseas Territories Governments to consult on matters such as the process of constitutional review and human rights issues arising from the United Kingdom's international commitments.

66. She said that the United Kingdom's partnership with its overseas Territories continued to evolve and progress. On 21 June, the Government had introduced to Parliament the British Overseas Territories Bill, which would grant British citizenship, with right to abode in the United Kingdom, to citizens from 13 of the 14 British overseas Territories in fulfilment of a commitment made in the 1999 White Paper on the relationship between the United Kingdom and the overseas Territories. The bill would also formally change the nomenclature from "dependent" to "overseas" Territory to reflect more accurately the nature of the relationship. On 26 September, the United Kingdom and most of its overseas Territories had adopted an Environment Charter that set out 10 guiding principles expressing the key environmental commitments that the international community had adopted. They were followed by specific commitments on the part of the United Kingdom and overseas Territories' Governments, indicating how they would work in partnership for the benefit of the environment. That was a good example, she said, of how progress could be made by working together in an area of mutual interest, which was critical to the future prosperity, well-being and even survival of many of the overseas Territories and their communities.

67. She pointed out that, as the record showed, for the United Kingdom, the wishes of the peoples concerned, exercised in accordance with the other principles set out in the Charter of the United Nations and in other international treaties, were of paramount importance. The relationship of the United Kingdom with the Territories continued to be based on the following fundamental principles: self-determination; mutual obligations; freedom for the Territories to run their affairs to the greatest degree possible; and a firm commitment from the United Kingdom to help the Territories economically and to assist them in emergencies. She was sure the Committee recognized the basic commonality of approach between the British Government and the Committee.

68. However, she stated, it was unfortunate that that commonality was not always properly reflected in all relevant resolutions, in particular of the Special Committee. The United Kingdom welcomed the fact that the annual omnibus resolution stated that in the decolonization process there was "no alternative to the principle of self-determination". The United Kingdom therefore regretted that the Special Committee continued to apply selectively that principle, which was enshrined in the Charter of the United Nations and in the International Covenant on Civil and Political Rights.

69. The United Kingdom, she stated, would continue to work to improve its cooperation with the Special Committee. It had sent a representative to the Regional Seminar of the Special Committee held in Havana in 2001.

70. The United Kingdom welcomed the efforts made by the Special Committee, begun under the constructive leadership of Ambassador Donigi, to pursue the informal dialogue with the administering Powers with a view to possible removal of the Territories from the Special Committee's list. Careful preparations would be necessary before the United Kingdom could expect substantive progress to be made, but it remained ready to cooperate with the Special Committee in those efforts.

B. Consideration by the United Nations

71. On 10 December 2001, the General Assembly adopted without a vote resolution 56/72 B, section III of which concerns Bermuda.

Notes

[1] The information contained in the present working paper has been derived from published information.

[2] NewsEdge, 14 February 2002.

[3] Central Intelligence Agency, *The World Factbook* (www.odci.gov/cia/publications/factbook/index.html).

[4] *The Royal Gazette*, 7 November 2001.

[5] *The Europa World Year Book*, 2001, Bermuda.

[6] *The Royal Gazette*, 4 January 2002.

[7] Ibid.

[8] Ibid., 24 November 2001.

[9] Ibid., 9 January 2002.

[10] Ibid., 19 October 2001.

[11] Ibid., 4 January 2002.

[12] NewsEdge, 14 December 2001.

[13] *The Royal Gazette*, 10 December 2001.

[14] Ibid., 9 January 2002; NewsEdge 14 February 2002.

[15] *The Royal Gazette*, 17 and 23 October 2001.

[16] Ibid., 25 January 2002.

[17] Ibid., 15 December 2001.

[18] *Reuters*, 3 October 2001; *The Royal Gazette*, 1 and 20 December 2001.

[19] *The Royal Gazette*, 7 November 2001.

[20] Ibid., 23 January 2002.

[21] Ibid., 18 December 2001.

[22] Ibid., 9 November 2001.

[23] Ibid., 11 January 2002.

[24] Ibid., 14 December 2001 and 8 January 2002.

[25] The Economist Intelligence Unit (www.eiu.com).

[26] *The Royal Gazette*, 11 and 14 August 2001.

[27] Ibid., 7 and 13 December 2001.

[28] NewsEdge, 13 July 2001.

[29] *The Royal Gazette*, 3 November 2001.

[30] Ibid., 19 May, 16 October , 9 November and 11 December 2001.

[31] Ibid., 7 August and 9 November 2001.

[32] Ibid., 7 November 2001.

[33] Ibid., 24 October 2001.

[34] Ibid., 28 July 2001.

[35] Ibid., 23 May 2001.

[36] Ibid., 29 October and 18 December 2001.

[37] Ibid., 3 December 2001.

[38] Ibid., 5, 17 and 20 December 2001.

[39] Ibid., 13 July 2001; NewsEdge, 13 July 2001 and 10 January 2002.

United Nations A/AC.109/2002/16

General Assembly

Distr.: General
21 May 2002
English
Original: English/Spanish

Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Falkland Islands (Malvinas)

Working paper prepared by the Secretariat*

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* The document was submitted late to the conference services without the explanation required under paragraph 8 of General Assembly resolution 53/208 B, by which the Assembly decided that, if a report is submitted late, the reason should be included in a footnote to the document.

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I. General

1. The Falkland Islands (Malvinas)[1] is a Non-Self-Governing Territory administered by the United Kingdom of Great Britain and Northern Ireland. The Territory comprises two large islands, known as East and West Falkland, as well as some 200 smaller islands, and has a total area of about 12,173 square kilometres (4,700 square miles). The Territory is situated in the South Atlantic, about 770 kilometres north-east of Cape Horn and about 480 kilometres east of the South American mainland. South Georgia, located about 1,300 kilometres south-east of the Falkland Islands (Malvinas) group, and the South Sandwich Islands, located about 750 kilometres east-south-east of South Georgia, are administered from the Falkland Islands (Malvinas) as a separate Territory; the Governor of the Falkland Islands (Malvinas) acts as Commissioner for South Georgia and the South Sandwich Islands. According to the results of a census conducted in April 2001, the population of the Territory is 2,391 (not including an estimated 112 residents temporarily absent and 534 military personnel), up from 2,221 in 1996.

II. Constitutional and political developments

A. Constitution and Government

2. Detailed information on the Constitution and Government of the Falkland Islands (Malvinas) is contained in the 2001 working paper prepared by the Secretariat (A/AC.109/2001/11).

3. On 22 November 2001 general elections were held for eight members of the Legislative Council, five from the Stanley constituency and three from Camp (the countryside outside of Stanley), for a four-year term. On the same day, in a non-binding referendum, the islanders voted against changing the two-constituency system under which the Councillors were elected to a single constituency system.

B. Political developments

4. On 10 June 2001, the Government of Argentina issued the following press communiqué:

"On 10 June, the Day of Affirmation of Argentine Rights over the Malvinas Islands and the Antarctic Sector, the Argentine Nation commemorates the creation of the Political and Military Command for the Malvinas Islands and adjacent islands as far as Cape Horn in the Atlantic Ocean. The Command was created in 1829 by a decree issued by Brigadier General Martín Rodríguez, Acting Governor of Buenos Aires Province.

"Since its inception as an independent nation, the Argentine Republic has demonstrated, through different acts of Government, its firm political will to exercise effective sovereignty over the southern territories and maritime spaces that it inherited from Spain.

"This effective exercise of sovereignty was interrupted on 3 January 1833, when British forces occupied the Malvinas Islands, expelling the Argentine population and authorities who had settled there. Since then, Argentine citizens have been prevented from freely settling or owning land in those territories.

"The people and Government of Argentina never consented to that act of force, and today, as in the past, they confirm their sustained unwavering determination to regain and exercise their sovereignty over the Malvinas, South Georgia and South Sandwich Islands and the surrounding maritime spaces, through the peaceful path of diplomatic negotiations and in accordance with the many appeals made by the international community.

"Argentina's claim has traditionally been supported by the countries of our region and by major international organizations, including the General Assembly of the United Nations and the General Assembly of the Organization of American States. These forums have repeatedly called on the Governments of the Argentine Republic and the United Kingdom to resume negotiations with a view to resolving the sovereignty issue in a conclusive and peaceful manner.

"On this important date, the Argentine Government reiterates that it is always willing to engage in dialogue with the United Kingdom so that negotiations can be resumed with a view to settling at an early date and in a just and

conclusive manner the unresolved dispute regarding sovereignty."

5. On 25 and 26 June 2001, the delegations of Argentina and the United Kingdom met in Buenos Aires in accordance with the exchange of notes of 8 and 20 June 2001 and under the formula on sovereignty. The two delegations exchanged views on coordinating preparatory activities for their presentations before the Commission on the Limits of the Continental Shelf, established by the United Nations Convention on the Law of the Sea. Both delegations shared information about their planned activities with regard to the external boundary of the continental shelf in the area of the Falkland Islands (Malvinas), South Georgia and the South Sandwich Islands.

6. By a letter dated 29 October 2001 addressed to the Secretary-General, the Permanent Representative of Argentina referred to the "White Paper on Partnership for Peace and Prosperity: Britain and the Overseas Territories" annexed to document A/AC.109/1999/1 and Corr. 1. In that letter the Permanent Representative announced his Government's "rejection of the above-mentioned 'White Paper' insofar as it refers to the Malvinas, South Georgia and South Sandwich Islands" (see A/56/515).

7. By a letter dated 19 November 2001 addressed to the Secretary-General, the Permanent Representatives of Argentina and the United Kingdom of Great Britain and Northern Ireland to the United Nations conveyed the text of the exchange of notes recording an understanding between their Governments to carry out a feasibility study on the clearance of landmines in the Falkland Islands (Islas Malvinas) (A/56/639, annex).

8. In a New Year's message broadcast to the Islands on BBC on 21 December 2001, the Prime Minister of the United Kingdom, Tony Blair, declared:

> "The last 12 months have demonstrated again the increasing confidence of the Falkland Islands. You have shown, by the encouragement of tourism and organic farming, for example, how well this community is working together to overcome the challenges facing you.
>
> "The new Executive Council has an important role in helping the Islands continue to meet these challenges. An important task facing it, and all who live on the Islands, is the review of your Constitution so this community can continue to develop on the strong foundation of a modern relationship with the United Kingdom.
>
> "...
>
> "Next year will mark the twentieth anniversary of the Falklands conflict. We must, of course, remember and mourn all those civilians and service personnel tragically killed during the conflict. But it is also right that we should approach this occasion in a spirit of reconciliation.
>
> "The last year saw another improvement in the relations between Britain and Argentina.
>
> "Differences remain as we continue to make clear that sovereignty over the Falklands is not open to negotiation. Our position is unchanged: the Falkland Islands are British for as long as they wish to remain so.
>
> "Yet despite these differences, I was welcomed by President de la Rúa in August, and Jack Straw and Argentine Foreign Minister Rodriguez Giavarini discussed areas of cooperation on issues such as transport links and fisheries in an atmosphere of trust and respect when they met in July. I believe that, with the British Government's continued support, you can be increasingly confident in your dealings with your neighbours.
>
> "The firmness of Britain's commitments on the security and sovereignty of the Falkland Islands and on your right to self-determination provides the basis for you to shake off the insecurity of the past, and to plan your future with certainty.
>
> ..."

9. By a letter dated 4 January 2002 addressed to the Secretary-General, the Permanent Representative of Argentina transmitted a press release issued on 3 January 2002 by his Government on the occasion of "another anniversary of the illegitimate British occupation of the Malvinas Islands" (see A/56/765 and annex).

10. In a letter dated 17 January 2002 (A/56/777) addressed to the Secretary-General, the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations referred to

and rejected the letter dated 29 October 2001 from the Permanent Representative of Argentina to the United Nations addressed to the Secretary-General (A/56/515), and restated the position of his Government regarding sovereignty over the Falkland Islands (Malvinas).

11. In a letter dated 21 January 2002 (A/56/786) addressed to the Secretary-General, the Chargé d'affaires a.i. of the Permanent Mission of the United Kingdom and Northern Ireland to the United Nations referred to the letter dated 4 January 2002 from the Permanent Representative of Argentina to the United Nations addressed to the Secretary-General (A/56/765) and restated the position of his Government regarding sovereignty over the Falkland Islands (Malvinas).

12. On 11 and 12 March 2002, the United Kingdom Secretary of State for Defence, Geoff Hoon, visited the Falkland Islands (Malvinas). During his stay he met with the Governor of the Islands and spoke with the Councillors. While in the Islands, he laid a wreath at the 1982 memorial monument.

13. The Secretary of State for Defence also visited Santiago de Chile and Buenos Aires. On 14 March, ending his visit to Argentina, the Defence Secretary said that the British Government and people believed that the twentieth anniversary of the conflict should be characterized by a spirit of reconciliation and commemoration. While in Buenos Aires, the Secretary of State for Defence met with the Argentine Minister of Defence, Horacio Jaunarena, the Minister for Foreign Affairs, International Trade and Worship, Carlos Ruckauf, and the commanders of the armed forces. He also honoured Argentines killed in the conflict. Argentine Foreign Secretary Jorge Faurie said that the Argentine Government appreciated the confidence implied in Mr. Hoon's visit to the country and also the wreath he deposited at the monument to Argentines killed in the conflict.

14. In accordance with the commitment made under the formula on sovereignty by the Government of Argentina and the United Kingdom in the joint statement of 14 July 1999, on 7 March 2002 the Planning and Building Committee of the Falkland Islands (Malvinas) approved the plan submitted by the Comisión de Familiares de Caídos en Malvinas e Islas del Atlántico Sur for a memorial at the Argentine cemetery in Darwin.

III. Mine clearance

15. On 11 October 2001, in accordance with the commitments made by the Governments of Argentina and the United Kingdom in the Action Agenda of 28 October 1998 and the joint statement of 14 July 1999 regarding their cooperation on mine clearance in the Falkland Islands (Malvinas), the two Governments exchanged notes regarding the carrying out of a feasibility study on demining in the Islands, under the formula on sovereignty and within the framework of the Ottawa Convention of 1997 on anti-personnel mines. Accordingly, on 3 and 4 December 2001, the Joint Working Group held its first meeting in Buenos Aires on the conduct of the aforementioned feasibility study. At the meeting the general objectives of the studies were discussed as well as their technical, organizational and financial aspects. Some practical measures and tasks were agreed that would be carried out with a view to advancing the preparation of the study.

16. According to the United Kingdom Government, there are 101 mine fields in the Islands, covering a total area of 20 square kilometres and containing 16,600 mines.

IV. Economic conditions

A. General

17. According to the administering Power, the pace of economic development has accelerated dramatically since 1982. In 1984, the Falkland Islands Development Corporation was formed to encourage the development of a private sector. This rapid growth resulted initially from the influx of British Government aid, but subsequently from the development of fisheries. The size of the fisheries' revenues and their subsequent investment have enabled improvements to be made in the infrastructure and the promotion of tourism and other enterprises, which will help to diversify the economy. The basic challenge is to increase economic security through diversification, including further development of tourism and diversification of agricultural production.

B. Public finance

18. The Territory's financial year runs from 1 July to 30 June. In 2000/2001, total revenue was £44 million, of which more than half (£23 million) came from fishing licences. Other sources of revenue were sales and services (£8 million), taxation (£7 million) and investment income (£6 million). During the same period, total expenditure was £47 million and Government reserves stood at £160 million, of which £90 million was in general reserve funds and the balance in special reserve funds for insurance and pension purposes.

19. The territorial Government has continued to work for improved long-term planning and budget processes in order to strengthen financial management and control systems through computerization. The recent introduction of resource accounting was expected to enable management to identify the cost of the capital employed and to keep account of the value of the public investment in equipment and infrastructure throughout its useful life. The objective is to move from a money-led to a needs-led budget.

C. Agriculture, land tenure and livestock

20. Detailed information on agriculture, land tenure and livestock is contained in the 2001 working paper prepared by the Secretariat (A/AC.109/2001/11). A new abattoir, built to European Union standards, opened in July 2001 and will allow farmers on the Islands to export meat. The territorial Government is encouraging farmers to move towards organic status, because the Islands are specializing in production of organic meat. Subject to approval from Brussels, Falklands Islands (Malvinas) organic meat is on target to reach the United Kingdom market in 2002.

D. Fisheries

21. Squid, including Loligo and Illex, are the mainstay of the territorial fisheries and economy. In addition to the two squid species, there are a number of finfish, which include blue whiting, hake and hoki. The Fisheries Department is responsible for administering the fishery. The South Atlantic Fisheries Commission, which was established by Argentina and the United Kingdom through the joint statement of 28 November 1990, has met regularly and worked without interruption since then for the conservation of fisheries resources in that area.

22. On 14 and 15 June 2001, the South Atlantic Fisheries Commission held its 19th meeting, in London. The Argentine delegation was led by Santos Goñi, head of the Malvinas and South Atlantic Department of the Ministry of Foreign Affairs, International Trade and Worship. The British delegation was led by the head of the Overseas Territories Department of the Foreign and Commonwealth Office, Alan Huckle. In a joint press statement issued at the end of the meeting, the British and Argentine delegations agreed that the formula on sovereignty over the Falkland Islands (Malvinas), South Georgia and the South Sandwich Islands and the surrounding maritime areas, contained in paragraph 2 of the joint statement issued in Madrid on 19 October 1989, applied to the meeting and its consequences. The South Atlantic Fisheries Commission welcomed the report of the Scientific Subcommittee on its 17th meeting, which was held in London on 12 and 13 June 2001, and the continuing cooperation between the National Institute for Fisheries Research and Development (INIDEP) and the Imperial College. The Commission agreed to recommend the Subcommittee's proposals to both Governments. Both delegations reaffirmed the importance of ensuring the stability of fish stocks and reiterated the commitment of both Governments to the conservation of fish and squid stocks in the South-West Atlantic. They recommended that both Governments continue scientific research in order to achieve a greater understanding of the most significant offshore species in the area. They reaffirmed their support for the early warning system and acknowledged the need to carry out additional scientific work in order to improve it. The exchange of real-time data on fishing operations remained central to the operation of the system. The Commission agreed to recommend to both Governments that every effort be made to maintain a level of 40,000 metric tons of Illex spawning stock biomass at the end of the fishing season in order to ensure stock sustainability, and endorsed the recommendation of the Scientific Subcommittee that in situations of high uncertainty relating to the Illex squid fishery, there should be an increase in the frequency of data exchange between the Imperial College and INIDEP. Both delegations expressed their continued concern over the status of the Illex stock. They therefore noted with satisfaction that the early warning system had worked successfully, and

that their respective Governments had now closed the Illex fishery for the rest of the current year for the purpose of meeting the conservation target. The Commission noted the view of the Scientific Subcommittee that the declining trend in the spawning biomass of southern blue whiting seemed to have stabilized, and further noted the need to maintain a precautionary approach to this fishery with the aim of reversing the trend. Appropriate catch levels would contribute to this aim. The two delegations exchanged views on conservation measures affecting the fisheries of the South-West Atlantic. They recognized the need for further exchanges of information on these matters before and during the fishing season. They discussed ways of ensuring the relative stability of fisheries, recalling their significance. Both delegations concurred that the timely establishment of a multilateral arrangement would provide the necessary long-term mechanism to ensure the sustainability of fish stocks in the high seas of the South-West Atlantic. The Commission endorsed the agreement reached in the Scientific Subcommittee to continue research on the current status of hoki. Both delegations expressed their satisfaction at the practical measures being applied by their Governments to prevent poaching. The Argentine delegation reiterated the concern of the Argentine Government about the situation created by the British decisions with respect to the area described in the annex to the joint statement of 28 November 1990 and to the area west of it. It expressed the hope of the Argentine Government that the matter would be resolved. The British delegation reiterated its position.

23. Subsequently, on 29 and 30 November 2001, the South Atlantic Fisheries Commission held its 20th meeting, in Buenos Aires. The Argentine delegation was led by the head of the Malvinas and South Atlantic Department of the Ministry of Foreign Affairs, International Trade and Worship, Santos Goñi. The British delegation was led by the head of the Overseas Territories Department of the Foreign and Commonwealth Office, Alan Huckle. In a joint press statement issued at the conclusion of the meeting, the British and Argentine delegations agreed that the formula on sovereignty over the Falkland Islands (Malvinas), South Georgia and the South Sandwich Islands and the surrounding maritime areas, contained in paragraph 2 of the joint statement issued in Madrid on 19 October 1989, applied to the meeting and its consequences. The South Atlantic Fisheries Commission welcomed the report of the Scientific Subcommittee on its 18th meeting, which was held in Mar del Plata, Argentina, on 26 and 27 November 2001. The Commission agreed to recommend the Subcommittee's proposals to both Governments. Both delegations reiterated the commitment of their Governments to the conservation of fish and squid stocks of the South-West Atlantic. They recommended that both Governments continue scientific research. Both delegations expressed satisfaction with the functioning of the early warning system, and considered it an efficient means towards achieving the conservation objectives. They also agreed that the exchange of real-time data on fishing operations remained central to the operation of the system and endorsed the recommendation of the Scientific Subcommittee that the frequency of data exchange between the Imperial College and INIDEP be increased to twice a week during the Illex season. The Commission agreed to recommend to both Governments that every effort be made to maintain the level of 40,000 metric tons of Illex spawning stock biomass at the end of the fishing season in order to ensure stock sustainability. The Commission noted the Scientific Subcommittee's concern that the catch of southern blue whiting had again exceeded the level the Subcommittee considered to be sustainable, though the declining trend in spawning biomass of this species appeared to have stabilized. Given the need to maintain a precautionary approach to this fishery, views were exchanged within the Commission regarding ways of strengthening measures for the conservation of this species. The Commission agreed that the Scientific Subcommittee should consider additional measures for the conservation of southern blue whiting and advice as to how sustainability might be achieved. The Commission also agreed that a workshop would take place in order to discuss the design of the southern blue whiting joint survey. Both delegations concurred that the timely establishment of a multilateral arrangement would provide the necessary long-term mechanism to ensure the sustainability of fish stocks in the high seas of the South-West Atlantic and exchanged views in this respect. The Argentine delegation reiterated the concern of the Argentine Government about the situation created by the British decisions with respect to the area described in the annex to the joint statement of 28 November 1990 and to the area west of it. It expressed the hope of the Argentine Government that the matter would be resolved. The British delegation reiterated its position.

24. On 21 and 22 March 2002, the South Atlantic Fisheries Commission held its 21st meeting, in London. The Argentine delegation was led by Santos Goñi, head of the Malvinas and South Atlantic Department of the Ministry of Foreign Affairs, International Trade and Worship. The British delegation was led by the head of the Overseas Territories Department of the Foreign and Commonwealth Office, Alan Huckle. In a joint press statement issued at the end of the meeting, the Argentine and British delegations agreed that the formula on sovereignty over the Falkland Islands (Malvinas), South Georgia and the South Sandwich Islands and the surrounding maritime areas, contained in paragraph 2 of the joint statement issued in Madrid on 19 October 1989, applied to the meeting and its consequences. The South Atlantic Fisheries Commission welcomed the report of the Scientific Subcommittee on its 19th meeting, held in London on 18 and 19 March 2002. The Commission welcomed the continuing cooperation between INIDEP and the Imperial College. The Commission agreed to recommend the Subcommittee's proposals to both Governments. Both delegations reaffirmed the importance they attached to ensuring the sustainability of fish stocks and reiterated the commitment of their Governments to the conservation of the fish and squid stocks of the South-West Atlantic. They recommended that both Governments continue scientific research in order to achieve a greater understanding of the most significant offshore species in the area. The Commission welcomed the proposal made by the Scientific Subcommittee to further improve the early warning system by establishing a data exchange relating to fishing on the high seas for Illex. It was agreed to continue discussions with the aim of further improving this exchange. The Commission also welcomed the proposals of the Scientific Subcommittee and agreed to recommend to the Governments that a study be started on the feasibility of using data from satellites to assess the level of fishing for Illex on the high seas, with a preliminary report to be produced for the next meeting of the Scientific Subcommittee. The Commission noted the ongoing research on southern blue whiting, and that the Scientific Subcommittee had reiterated its advice on the need to keep the catches of this species within the sustainable limit of 55,000 to 59,000 tons, as recommended by the Scientific Subcommittee in previous meetings, until a new assessment was available. Given the need to maintain a precautionary approach to this important fishery, views were exchanged regarding ways of strengthening measures for the conservation of this species. The Commission agreed that the Scientific Subcommittee should consider additional measures for the conservation of southern blue whiting and provide further advice as to how sustainability might be achieved. It concurred that the timely establishment of a multilateral agreement would provide the necessary long-term mechanism to ensure the sustainability of fish stocks in the high seas of the South-West Atlantic. The delegations agreed on the need to exchange views intersessionally, with a view to discussing these matters further at the next meeting of the Commission.

E. Tourism

25. There has been a significant expansion of the Falkland Islands (Malvinas) tourist industry in recent years. The United Kingdom is currently the principal market, but the Falkland Islands Tourist Board, a department of the Falkland Islands Development Corporation, has focused efforts on developing new contacts with tour operators in the United States and Europe. Some 30,000 tourists are expected to be arriving in the Islands in 2001/2002 season, many of them on cruise ships. The tourism industry offers specialized holidays for those interested in wildlife and sea trout fishing. The Islands' main tourist lodges are found at Port Howard, San Carlos, Sea Lion Island and Pebble Island. There are two hotels in Stanley.

F. Transport, communications and other basic facilities

26. According to the administering Power, the road network in the Falkland Islands (Malvinas) consists of more than 35 miles of surfaced roads and more than 330 miles of unsurfaced roads. Detailed information on transport, communications and other basic facilities is contained in the 2001 working paper prepared by the Secretariat (A/AC.109/2001/11).

G. Banking

27. Both British and local coinage is used, together with local currency notes. There is a parity between United Kingdom and Falkland Islands (Malvinas)

currency. The Standard Chartered Bank of the United Kingdom opened a branch in Stanley in December 1983.

H. Public works

28. The Public Works Department of the territorial Government is responsible for road-building projects, municipal services, construction projects and supplying water and electricity to the residents of Stanley. Recent projects have included an extension of Stanley Infant/Junior School and the building of a new abattoir. Road construction is ongoing, and the total length of roads is increasing by 30 miles per year.[2] In June 2001, the General Purposes Committee of the Falkland Islands (Malvinas) decided that the water and power utilities of the Islands should not be privatized.[3]

V. Social conditions

A. General

29. According to the administering Power, the Territory observes the principles contained in the Universal Declaration of Human Rights. The provisions of the European Convention for the Protection of Human Rights and Fundamental Freedoms has been extended to the Falkland Islands (Malvinas) by the administering Power. Further, the United Kingdom has extended the International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights to the Territory and observes the regular reporting procedures under these instruments. The common law of England applies in the Falkland Islands (Malvinas) except insofar as it is inconsistent with any enactment of the law applying to the Falkland Islands (Malvinas). There is no discrimination on the basis of sex in the implementation of articles 2 and 3 of the International Covenant on Civil and Political Rights. The Convention on the Elimination of All Forms of Discrimination against Women has been applied by the United Kingdom in the Falkland Islands (Malvinas) with the agreement of the territorial Government.

B. Public health

30. The general state of health in the islands is good. Most health-care services, including the filling of prescriptions, are free to residents. All medical services in the Falkland Islands (Malvinas), are based at the King Edward VII Memorial Hospital at Stanley. Partly military until 2000, the 28-bed hospital is now fully civilianized and provides health care to both the civilian and military populations of the Falkland Islands (Malvinas). The funding of the clinical services is currently under review, but at the moment they are jointly funded by the local Government (80 per cent) and Ministry of Defence (20 per cent). The estimated expenditure for health and social services in 2000/2001 was approximately £3.8 million.

C. Social security and welfare

31. According to the administering Power, The Falkland Islands Retirement Pensions Ordinance provides for mandatory fixed monthly contributions by all employers and by employees between the ages of 17 and 64. Implementation of the Falkland Islands Pension Scheme Ordinance 1997 commenced during 1998. This scheme provides a national defined contribution vehicle through which employers, self-employed individuals and other individuals within the Falkland Islands (Malvinas) can make contributions under employer-employee agreements or voluntarily during their working lives and receive a pension upon retirement. A system of social welfare grants and pensions is in operation to deal with cases of hardship and disability. The social welfare budget for the financial year 1999/2000 was estimated at £688,260.

D. Education

32. According to the administering Power, education in the Falkland Islands (Malvinas) is free and compulsory for all children between the ages of 5 and 16. There is one primary school in Stanley. In the rural areas, younger children attend small settlement schools or are visited by one of the six travelling teachers for two weeks out of every six. There are also radio and telephone lessons available. The only secondary school in the Islands, Falkland Islands Community School, is located in Stanley. Children from the rural areas also attend this school and live in a boarding hostel.

Students above the age of 16 who qualify in exams are funded for studies in the United Kingdom. In 2001, there were 381 schoolchildren in the Falkland Islands (Malvinas), and four pupils were being educated in the United Kingdom.

E. Other developments

33. During the period under review, there were private contacts between the inhabitants of the Territory and continental Argentina. A Buenos Aires group that plays popular music performed in the Islands, and Patagonian entrepreneurs in the wool industry made a visit to the Islands as tourists, as did promoters for contacts between the Territory's schools and schools in continental Argentina.

VI. Participation in international organizations and arrangements

34. The Government of the Falkland Islands (Malvinas) participates in activities of the Commonwealth and is a member of the United Kingdom Overseas Territories Association. Representatives of this Government have participated, as members of the United Kingdom delegation, in discussions on matters affecting their interests, such as those leading to the 14 July 1999 joint statement.

VII. Consideration by the United Nations

A. Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

35. The Special Committee considered the question of the Falkland Islands (Malvinas) at its 8th meeting, on 29 June 2001. At that meeting, the Special Committee decided to accede to the request of the delegations of Argentina, Brazil, Panama and Paraguay (on behalf of the States members of the Common Market of the South (MERCOSUR) — Argentina, Brazil, Paraguay and Uruguay — as well as Bolivia and Chile) to participate in the consideration of the item.

36. At the same meeting, in accordance with a decision taken by the Special Committee, statements were made by Conrado Etchebarne Bullrich, Richard Cockwell and John Birmingham of the Legislative Council of the Falkland Islands (Malvinas), Alejandro Belts and Argentine Congressmen Alejandro Verner and Ricardo Ancell Patterson.

37. At the same meeting, the representative of Chile introduced, on behalf of Bolivia, Cuba and Venezuela, a draft resolution on the item (A/AC.109/2001/L.8). He stated that the text was a contribution intended to bring about a solution to the dispute between Argentina and United Kingdom regarding sovereignty over the Territory. He said that his country was firmly convinced that the path of peaceful and negotiated solution was the only one to follow in the situation. He hoped that the text would be adopted by consensus. At the same meeting, following a debate on the item, the Committee adopted the resolution without a vote (A/AC.109/2001/25).

38. At the same meeting, the Minister for Foreign Affairs, International Trade and Worship of the Argentine Republic, Adalberto Rodríguez Giavarini, stated:

> "The Special Committee has been considering an issue that dates from the colonial period, the solution of which is vital to the Argentine Republic. That issue is the dispute regarding sovereignty over the Malvinas, South Georgia and South Sandwich Islands and the surrounding maritime spaces.
>
> "I would like to reiterate once again to the distinguished delegations here present the determination of the Argentine Government to regain those archipelagos and maritime spaces, given that they are part of the Argentine national territory. This is a standing, irrevocable objective of my country that can only be achieved through the peaceful path of diplomatic negotiations.
>
> "As stated repeatedly by the successive Governments of my country, restoring through peaceful means the full exercise of sovereignty is a national objective. It is enshrined in the Constitution of the Argentine Nation, which also

provides that the lifestyle of the inhabitants of the islands must be respected.

"The Malvinas Islands, which have been an integral part of the territory of Argentina ever since it became independent, were occupied in 1833 by British military forces, which expelled by force the Argentine population and military authorities who had settled there, preventing them from returning. In their stead, British subjects were brought to the South Atlantic to populate the islands as a colony. These acts of force, which gave rise to the question of the Malvinas Islands, have never been consented to by the Argentine Republic, which has never ceased to demand its restitution.

"The mere passage of time has not diminished the strength of Argentina's claim nor has it weakened my country's conviction that the route of diplomatic negotiations will make it possible to find a solution to this prolonged dispute. On this occasion, the Argentine Government, being fully persuaded that this is the right course, wishes to confirm once again its complete willingness to resume bilateral negotiations with the United Kingdom, in accordance with the provisions of the pertinent resolutions of this Special Committee and of the General Assembly of the United Nations, as well as the statements made on the issue by the Organization of American States."

39. Also at the Committee's 8th meeting, during the debate on the item, the representative of Indonesia stated that General Assembly resolutions had taken note of the dispute concerning the Falkland Islands (Malvinas) and had called for a settlement. Both Argentina and the United Kingdom should continue their negotiations. The representative of Paraguay, speaking on behalf of the States members of MERCOSUR as well as Bolivia and Chile, said that a settlement of the lengthy dispute in the region would be welcome to all MERCOSUR countries and that MERCOSUR had affirmed Argentina's sovereignty over the Falkland Islands (Malvinas). The representative of Brazil said that all South American countries were interested in a resolution of the dispute over the Falkland Islands (Malvinas) and that Argentina's sovereignty rights over the islands had been affirmed. The representative of Uruguay stated that the parties must resume negotiations and resolve conclusively the issues standing in the way of peace. The representative of Panama said that the need for the two parties to resume negotiations and reach a solution had been reiterated the year before at the Ibero-American Summit in Panama. The representative of China appealed to both Governments to continue their dialogue and work for an early resolution of the question. The representative of the Russian Federation stated that his country had always proceeded from the need for both Governments to conduct peaceful negotiations for the settlement of such disputes, taking into account relevant United Nations resolutions. The representative of Venezuela expressed support for the rights of Argentina in the dispute over the Falkland Islands (Malvinas), and continued to believe that the bilateral negotiations between the two Governments provided the necessary conditions for seeking a satisfactory solution. The representative of Cuba reiterated his full support for the legitimate rights of Argentina in the sovereignty dispute over the Falkland Islands (Malvinas). He regretted that despite broad support by the international community for a resumption of negotiations by the parties, the resolutions of the Committee and the Assembly on the issue had still not been implemented. The representative of the Syrian Arab Republic expressed his satisfaction with the ideas expressed by the Argentine Foreign Minister regarding his Government's readiness to engage in dialogue with the United Kingdom on the issue of sovereignty over the Territory. The representative of Ethiopia said that his country's position was clear and that the matter was a sovereignty dispute. He called on the parties to resume negotiations to achieve a peaceful solution. The representative of Bolivia said that his country's position was well known on the matter of sovereignty of the Falkland Islands (Malvinas), as reflected in the statement made on behalf of MERCOSUR as well as in his country's co-sponsorship of the draft resolution. He appealed to both Governments, particularly that of the United Kingdom, to begin negotiations on the search for a peaceful solution to the question. The representative of Grenada said that the draft resolution should be adopted by consensus.

40. At the same meeting, the representative of Antigua and Barbuda made a statement in explanation of position before a decision was taken, saying that her country welcomed the recent agreement signed by the United Kingdom and Argentina permitting, for the first time since the conflict, Argentine-matriculated planes

to fly to the Falklands (Malvinas). At the same meeting, following the adoption of the resolution, the representative of Papua New Guinea made a statement in explanation of position in which he said that the Committee must ask and answer three questions with regard to the item: what was the Committee's mandate, did the mandate include adjudication of competing sovereignty claims, and, if not, could the Committee devise a solution without dealing with the sovereignty claims? A statement in explanation of position was also made by the representative of Fiji, who asked Argentina and the United Kingdom to take the next step and devise a work programme for the Falkland Islands (Malvinas). The representative of Sierra Leone stated that the interests of the people were paramount and that the resolution should make reference to the important question of self-determination.

B. Position of the Government of Argentina

41. On 10 November 2001, during the general debate at the fifty-sixth session of the General Assembly, the President of Argentina, Fernando de la Rúa, stated the following:

> "I cannot conclude without recalling, as the General Assembly already knows, that the Argentine Republic is still engaged in a sovereignty dispute with the United Kingdom over the Malvinas, South Georgia and South Sandwich Islands and the surrounding maritime areas. The recovery of the full exercise of sovereignty over that part of our national territory, respecting the interests of their inhabitants and international law, is a precept enshrined in our Constitution. This issue is on the agenda of this Organization, which through repeated resolutions has asked the Governments of Argentina and the United Kingdom to resume negotiations on a just and lasting solution to the sovereignty dispute and thus to put an end to a colonial situation imposed by force in 1833.
>
> "Today, in response to that request, Argentina again reiterates its full readiness to resume bilateral negotiations with the United Kingdom in order to resolve the issue, as well as its support for the mission of good offices appropriately entrusted to the Secretary-General by the General Assembly to assist the parties in achieving that goal" (A/56/PV.44, p. 22).

42. On 12 October 2001, at the 6th meeting of the Special Political and Decolonization Committee (Fourth Committee), the representative of Argentina made a statement in exercise of the right of reply to the United Kingdom, reiterating that Argentina had no doubts as to its right to sovereignty over the Falkland Islands (Malvinas), South Georgia, the South Sandwich Islands and the surrounding maritime areas, and pointed out that the General Assembly and the Special Committee on Decolonization had adopted numerous resolutions calling for a negotiated settlement of the dispute between Argentina and the United Kingdom. Argentina was ready to see such negotiations through to a successful conclusion with a view to achieving a speedy resolution of the question.

C. Position of the administering Power

43. By a letter dated 10 November 2001 (A/56/616) addressed to the President of the General Assembly, the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations transmitted the text of the written statement of the delegation of the United Kingdom of Great Britain and Northern Ireland in exercise of the right of reply to the remarks made by the President of Argentina in the general debate on 10 November 2001. The text of the statement of the delegation of the United Kingdom reads as follows:

> "The British Government welcomes the President of Argentina's resolve to continue the bilateral dialogue on the matter of the Falkland Islands, South Georgia and the South Sandwich Islands. This will undoubtedly build on the positive bilateral exchanges between our two countries to date, including meetings between Prime Minister Blair and President de la Rúa and between our Foreign Ministers, which have contributed to mutual understanding.
>
> "The Joint Statement signed between our two countries in July 1999 demonstrates clearly that the United Kingdom and Argentina can manage our differences on sovereignty while making progress on practical arrangements on matters of common interest in the South Atlantic.

"However, we wish to recall that there is nothing in the agreement that compromises the position of the United Kingdom in relation to its sovereignty over the Falkland Islands: we have no doubt about Britain's sovereignty over the Falkland Islands and the other British overseas territories in the South Atlantic.

"We have a duty to respect and defend the right to self-determination of the people of the Falkland Islands. The elected representatives of the Islanders once again expressed their views clearly when they visited the United Nations for this year's debate in the Committee of 24 on 29 June. They asked the Committee to recognize that they, like any other democratic people, should be allowed to exercise the right to self-determination. As the democratic voice of the people of the Falkland Islands, their wishes are clear: they want to remain British and do not want to be part of Argentina.

"The British Government remains committed to the joint Statement and, despite our differences with Argentina on the subject of sovereignty, we are confident that we will build on this agreement and that our relations will continue to flourish in the spirit of reconciliation, cooperation and mutual interest" (ibid., annex).

44. On 8 October 2001, at the 3rd meeting of the Special Political and Decolonization Committee (Fourth Committee), the representative of the United Kingdom made a statement in exercise of the right of reply to Chile (which had spoken on behalf of the Rio Group), Cuba and Uruguay (which had spoken on behalf of MERCOSUR), stating that her Government had no doubt about Britain's sovereignty over the Falkland Islands (Malvinas). Countries had a duty to respect the right of self-determination of the people of the Falkland Islands (Malvinas), who had made clear their wish to remain British. The elected representatives of the Islanders had expressed their views clearly when they visited the United Nations for the debate in the Special Committee on 29 June 2001.

45. The representative of the United Kingdom made another statement in exercise of the right of reply at the 6th meeting of the Fourth Committee, on 12 October 2001, reiterating that the United Kingdom's position on the sovereignty of the Falkland Islands (Malvinas) was well known and had been set out in detail in the statement made in exercise of the right of reply in response to the statements of the representatives of Chile, Cuba and Uruguay in the Fourth Committee on 8 October 2001.

D. Contributions by other Member States

46. On 8 October 2001, during the general debate on decolonization items in the Special Political and Decolonization Committee (Fourth Committee), the representative of Chile, on behalf of the States members of the Rio Group, stressed the need for Argentina and the United Kingdom to resume talks aimed at finding a peaceful, just and lasting solution to the dispute over the sovereignty of the Falkland Islands (Malvinas), South Georgia and the South Sandwich Islands (see A/C.4/56/SR.3). At the same meeting, the representative of Cuba expressed its full support for the legitimate right of the Argentine Republic in the sovereignty dispute over the islands, and considered that the dialogue and cooperation established between the parties could lead to a just, peaceful and honourable solution (ibid.). Also at that meeting, the representative of Uruguay, speaking on behalf of the MERCOSUR countries and associated States, recalling the dispute between Argentina and the United Kingdom regarding sovereignty over the Malvinas, expressed full support for the statement made by the representative of Chile on behalf of the Rio Group and reiterated the declaration on the Malvinas Islands signed by the Presidents of the States members of MERCOSUR, Bolivia and Chile, in which they had indicated their support for Argentina in that regard, and expressed the hemisphere's hope that the problem would be resolved rapidly and fairly in accordance with the resolutions of the United Nations and the Organization of American States. He also expressed surprise that the United Kingdom, which had sought peaceful and negotiated solutions in other cases in the past, had not adopted the same position with regard to the Malvinas (ibid.).

47. At the 6th meeting of the Fourth Committee, on 12 October 2001, the representative of Venezuela stated that, with respect to the question of the Malvinas, her country reaffirmed its support for the Argentine Republic's claim to sovereignty over the islands and again called on both parties to hold talks so as to arrive at a fair resolution of the dispute. The very high-level dialogue and recent cooperation between the Governments of Argentina and the United Kingdom

might create the necessary conditions for such negotiations (see A/C.4/56/SR.6). Also at the 6th meeting, the representative of Ecuador stated that Ecuador wholeheartedly endorsed the statement made by the Chilean delegation on behalf of the Rio Group concerning the Malvinas (ibid.).

E. Action by the General Assembly

48. At its 62nd plenary meeting, on 26 November 2001, the General Assembly decided to defer consideration of the item entitled "Question of the Falkland Islands (Malvinas)" and to include it in the provisional agenda of its fifty-seventh session (decision 56/410).

F. Consideration by other intergovernmental organizations and international forums

49. On 5 June 2001, the General Assembly of the Organization of American States (OAS) adopted a Declaration on the Question of the Malvinas Islands, by which it considered that the matter was of enduring hemispheric concern; welcomed the reaffirmation of the will of the Government of Argentina to continue exploring all possible avenues for peaceful settlement of the controversy and its constructive approach towards the inhabitants of the Falkland Islands (Malvinas); reaffirmed the need for the Governments of Argentina and the United Kingdom to begin negotiations as soon as possible on the sovereignty dispute, in order to find a peaceful solution to this protracted controversy; and decided to continue to examine the question of the Falkland Islands (Malvinas) at its subsequent sessions until a definitive settlement was reached thereon.

50. The position of the United Kingdom with regard to the consideration of the question of the Falkland Islands (Malvinas) by OAS was stated in a letter dated 13 November 1995 from the Permanent Observer Mission of the United Kingdom to OAS addressed to the Chairman of the Permanent Council of OAS:

> "The position of the British Government on the question of the Falkland Islands is well known and remains unchanged. It was, for example, set out most recently by the British delegation in the United Kingdom right of reply to the statement to the United Nations General Assembly by the Argentine Minister for Foreign Affairs on 27 September. I am sure you will understand why the United Kingdom cannot accept the various resolutions and declarations adopted by the General Assembly of the Organization and referred to the preamble and operative paragraph 1 of resolution 655 (104/95). I am sure that this matter will not inhibit the fruitful cooperation on a wide range of issues which we all desire."

51. At the eleventh Ibero-American Summit, held in Lima on 24 November 2001, the Heads of State and Government of the Ibero-American countries adopted the following Declaration on the Malvinas Islands:

> "The Heads of State and Government of the Ibero-American countries, meeting in Lima, on the occasion of the eleventh Ibero-American Summit, reaffirm the need for the Governments of the Argentine Republic and the United Kingdom of Great Britain and Northern Ireland to resume, as soon as possible, the negotiations aimed at finding an early solution to the sovereignty dispute relating to the question of the Malvinas Islands, in accordance with the provisions, objectives and resolutions of the United Nations and the Organization of American States, including the principle of territorial integrity."

Notes

[1] The information contained in the present paper has been derived from information transmitted to the Secretary-General by the Government of the United Kingdom of Great Britain and Northern Ireland under Article 73 *e* of the Charter of the United Nations on 22 April 2002, as well as from official documents of the Government of Argentina.

[2] www.falklands.gov.fk/focus/71-1.

[3] *Penguin News*, 6 July 2001.

United Nations A/AC.109/2002/16/Corr.1

General Assembly

Distr.: General
18 June 2002

Arabic, English, French and
Russian only

Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Falkland Islands (Malvinas)

Working paper prepared by the Secretariat

Corrigendum

Paragraph 36

The last three names *should read* Alejandro Betts and Argentine Congressmen Alejandro Vernet and Ricardo Ancell Patterson

02-43187 (E) 180602

United Nations A/AC.109/2002/17

General Assembly

Distr.: General
16 May 2002

Original: English

Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Montserrat

Working paper prepared by the Secretariat*

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* This document is being submitted on 16 May 2002 to allow for inclusion of up-to-date information about the Territory.

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I. General

1. Montserrat[1] is situated in the Leeward Islands in the eastern Caribbean, 43 kilometres south-west of Antigua and 64 kilometres north-west of the French Overseas Department of Guadeloupe. The island is 18 kilometres long and 11 kilometres wide and covers an area of 103 square kilometres, all of which is volcanic and mountainous. Its coastline is rugged and has no all-weather harbour.[2]

2. Sometimes called the Emerald Island, Montserrat was named after a Spanish monastery by Christopher Columbus on his second trip to the island in 1493. In 1632, the island became a British Colony, and its first settlers came mainly from Ireland. Slaves, who worked the cotton, sugar and tobacco plantations, were unsuccessful in an uprising in 1768. Although Montserrat was occupied by France for brief periods of time, it returned definitively to British rule in 1783. Montserrat became a British Crown Colony in 1871.

3. In July 1995, the Montsoufriere volcano, dormant for more than 400 years, erupted and caused the evacuation of more than one third of Montserrat's population from the southern part of the island to its northern "safe" areas in August 1995. Montserrat's capital, Plymouth, was abandoned after the increase in volcanic activity in 1996. The temporary capital is now located in Brades and a new capital is being planned in Little Bay, which is situated on the north-east coast of the island.

4. The population of Montserrat was 10,581 in 1995. In 1998, it was reduced to 3,500, although some sources give a lower figure of 2,800.[3] In 1999, the population was estimated to be just over 4,600. Data from the voter registration rolls for the 2001 elections indicated that as of February 2001 the population of Montserrat was approximately 5,000, with nearly 3,000 over the age of 18. English is the only language in use by the entire population. The principal religion is Christianity, and the main denominations are Anglican, Roman Catholic and Methodist.

II. Constitutional background

5. Montserrat is a Non-Self-Governing Territory of the United Kingdom of Great Britain and Northern Ireland. The Territory is administered by the United Kingdom under the Montserrat Constitution Order of 1989, which came into force in 1990. The United Kingdom's White Paper entitled "Partnership for Progress and Prosperity: Britain and the Overseas Territories (see A/AC.109/1999/1, annex, and A/AC.109/1999/15, para. 38), presented to Parliament in March 1999, spoke of each Territory's need for a constitutional framework to suit its own circumstances, and stated that suggestions from Overseas Territory governments for specific proposals for constitutional change would be considered carefully. A Constitutional Review Commission has been set up in Montserrat under the leadership of Professor Sir Howard Fergus, with the mandate to consult the people of the Territory widely before making recommendations in this regard.[4] The current Constitution provides for a Governor appointed by the Queen; an Executive Council comprising the Governor as President, the Chief Minister, three ministers and two ex officio members (the Attorney General and the Financial Secretary); and a Legislative Council, comprising a Speaker, two ex officio members (the Attorney General and the Financial Secretary), seven elected members returned from single-member constituencies on the basis of universal adult suffrage and two nominated members. Elections are held every five years on the basis of universal adult suffrage. Elections were planned for November 2001. However after the resignation of two ministers in February 2001 and the collapse of the Government, the election date was advanced to 2 April 2001 (see para. 10).

6. Ministerial responsibilities cover all areas of government business, including finance. While the Governor retains responsibilities for external affairs, internal security, defence, the pubic service and offshore financial services, he is expected to act on the advice of the Ministers. During the Governor's absence, the Speaker of the Legislative Council acts as Governor.

7. The law of the Territory is English common law together with locally enacted legislation. It is administered by the Eastern Caribbean Supreme Court. The Royal Montserrat Police Force is funded by the technical cooperation programme. The current Police Commissioner, a 35-year veteran of the Force, was appointed in March 2002.[5]

III. Political developments

8. The current Governor of Montserrat, Tony Longrigg, has been in office since May 2001. The new Chief Minister, John Osborne, took office in April 2001. The main political parties are the New People's Liberation Movement (NPLM) and the National Progressive Party (NPP). During the previous elections, in 1996, in the midst of the chaos resulting from the volcanic activity, voter participation was very low, none of the parties won a majority and a coalition Government was formed.

9. A new electoral system has been adopted. Because the majority of the constituencies of the Territory are currently uninhabitable following the eruption of the Montsoufriere volcano, the entire island is considered to be one constituency. Nine at-large members are elected in two rounds of voting. The new Assembly does not include any nominated members. One of the important issues for the new system was the question of a qualifying pre-poll residence period. Initially, it had been suggested that the length of residence should be three weeks to make it possible for Montserratians who lived abroad to return home and vote. For the 2001 elections, the residency requirement was raised to 36 months better to reflect the opinion of the inhabitants of the Territory. However, this stipulation has caused some displeasure among the Montserratians living and working abroad.

10. The resignation of two Ministers in February 2001 upset the coalition Government, which had a one-seat majority among the seven elected seats of the Legislative Council. Under such circumstances, the Territory's Constitution requires holding new elections within 90 days. As a consequence, the election date was advanced from November to 2 April 2001. The elections brought an overwhelming victory for NPLM, which now occupies seven of the nine seats in the Legislative Council. The remaining two seats are held by NPP. Three of the elected representatives are women and two of them will serve as ministers. The voter turnout was 78 per cent of the total of 2,953 registered voters. Four of the winners obtained over 50 per cent of the votes. The key campaign issues of the elections were improved relations with the United Kingdom, foreign and local investments, job creation and housing, as well as ways to encourage the return of Montserratians living overseas.

11. Another aspect of the 1999 White Paper "Partnership for Progress and Prosperity: Britain and the Overseas Territories" was a review of British citizenship rights. After a lengthy parliamentary process, the Overseas Territory bill, which grants British citizenship to nationals of Britain's Overseas Territories, was given Royal Assent in March 2002 (see A/AC.109/2002/2/Add.1). The bill enables Montserratians and other citizens of the Overseas Territories to apply for British citizenship as of 21 May 2002, through which they will acquire the rights of free movement, residence and the opportunity to work in the United Kingdom and other European Union member States.[6]

IV. Status of the Montsoufriere volcano

12. The Montserrat Volcano Observatory (MVO) was established after the eruption of the Montsoufriere volcano in 1995 and became a statutory body of the Government of Montserrat in 1999. Funded mainly through the United Kingdom Department for International Development (DfID), its role is to advise civilian authorities on the volcanic activity and associated hazards. A report released by the MVO in March 1999 noted that there were no signs that there would be any further eruptions in the near future. Nevertheless, the volcano erupted again in November 1999 and yet again in March 2000. According to a January 2001 MVO report, the dome of the volcano was at its largest size since the eruption began in 1995 and was growing predominantly towards the east with typically hundreds of rock falls occurring per week. At the time, the risk to populated areas of Montserrat was considered low. On 29 July 2001, the Montsoufriere erupted again. The partial collapse of the dome generated pyroclastic flows which travelled down the eastern side of the volcano and into the sea. At the same time, a column of ash was carried north-west by prevailing winds, reaching the Virgin Islands and Puerto Rico. No one was injured on Montserrat, although there were rock falls and ash fall in populated areas. In a scientific and hazards assessment issued in September 2001, the MVO reported that there were no signs of the overall levels of volcanic activity diminishing and the most likely outcome was that this pattern of activity would continue for the next few years. In March 2002, it was reported that since

September 2001, the dome had grown at an average rate of 2 cubic metres per second, or 400,000 tonnes per day.[7]

13. Since late 1999, the MVO has conducted an intense local and regional public education campaign, including trips to neighbouring countries and the United Kingdom with the objective of delivering first-hand information and having discussions with disaster officials, local historians, communities of Montserrat citizens and the general public. In September 2001, construction of a new building for the MVO began in Fleming. Designed locally and funded by DfID, it commands a clear line of sight to the dome and is expected to be completed in approximately 12 months time.[8]

V. Economic conditions

14. Volcanic activity and hurricane damage have combined to seriously undermine Montserrat's economic development and have implications for its future planning. In 1995, the island lost its capital, the airport, ports, economic infrastructure and much of its housing. After that it experienced negative growth with gross domestic product (GDP) falling by 50 per cent between 1995 and 1998. In 2000, GDP declined further by 6.3 per cent, as indicated by Oxford Analytica, 29 January 2002. Positive growth resumed in 2001 (see para. 15 below). Although the northern part of the island has been declared relatively safe, foreign investors continue to be cautious, mostly because of the reluctance of insurance companies and banks to take risks. As efforts to rebuild the economy continue, economic activity centres on reconstruction, which is largely funded through DfID.

A. Budget

15. During the 2002 budget presentation in March 2002, the Chief Minister noted that the events of 11 September 2001 had weakened economies throughout the world, making it even more difficult for the smaller States to advance. Nonetheless, in 2001, for the first time in seven years, the Montserrat economy had experienced positive growth. Preliminary estimates from the Central Bank showed that over the past 11 months, the Montserrat economy had grown by 5.7 per cent (from -5.3 per cent to 0.4 per cent). This growth had been possible mainly due to improved negotiations with the British Government, and greater autonomy within DfID to manage local affairs, which, according to the Chief Minister allowed for the removal of restrictions that had prevented the speedy implementation of public works projects. Therefore, the construction sector had grown, and there had been progress in promoting mortgage programmes for home ownership and business plans. Marginal expansion had also been seen in the services sector, including electricity and water, transport and government services. In addition, legislation had been passed to create the Financial Services Commission to regulate and promote the offshore financial sector in close partnership with the Montserrat Chamber of Commerce.

16. Expenditure during 2001 totalled EC$ 52 million. The amount of local revenue raised was estimated to be EC$ 26.5 million and the United Kingdom Government agreed to fund the deficit through DfID. It is expected that revenue during 2002 will increase by about EC$ 1.7 million due to income to be generated from the helicopter and ferry services. Inflation for 2001 stood at 4.9 per cent. The Chief Minister has stated that one of the main goals of his Government's economic policy in 2002 is to control inflation by working with the private sector to ensure that the prices of goods and services are kept under control.

17. In his budget presentation, the Chief Minister stated that the overall thrust of the Government's public finance strategy was to generate revenue through increased economic activity in key sectors. The allocations in the recurrent budget were based on the assumption that there would be no major shift in policy or volcanic activity. With respect to recurrent expenditure, he proposed to spend EC$ 66.2 million during 2002, EC$ 10.9 million more than in 2001. Ministry of Education, Health and Community Services would receive EC$ 15.8 million; Ministry of Communications and Works would receive EC$ 13.4 million; Consolidated Funds Services, EC$ 8.3 million; Ministry of Agriculture, Housing, Lands and the Environment, EC$ 4.5 million; Ministry of Finance, EC$ 2.9 million; and other Departments, EC$ 21.1 million.

18. The Government is also keen to resolve tax arrears problems. As a first step, the Chief Minister announced that all taxes owing on properties that were largely destroyed or inaccessible as a result of the 1995

eruption would be written off. He also announced tax incentives for Montserrat citizens buying land or housing, for offshore educational and scientific institutions and for offshore companies involved in partnerships and joint ventures with approved businesses on the island.

19. The Chief Minister noted that a private sector development consultancy had been undertaken in 2001 to identify strategies to encourage the growth of private enterprise. He added that the present focus was to attract new businesses in the areas of e-commerce and information technology, making the most of Montserrat's small but literate population. The Government is exploring the investment opportunities available through the development of Montserrat's domain name (.ms).

20. Regarding the aid framework from the United Kingdom, the Chief Minister announced that in order to stimulate the economy, his Government had worked closely with DfID during 2001 to ensure that as much as possible of the allocated £24.4 million was spent (see para. 36). Nonetheless, the Government was concerned with the rate of decline in United Kingdom grants imposed by the Aid Framework for 2001-2006. The British Government had directed the Montserrat Government to reduce its level of dependency on budgetary aid and tied the approval of certain projects to cost recovery measures. The Government felt that the time was not right for any major decreases of aid as the economic infrastructure was not yet ready to replace this source of funding. The Chief Minister stated his intention to seek to balance the United Kingdom's policy with the need to avoid further pressure on an already heavily taxed working population.

B. Banking and finance

21. According to the 2002 budget statement, Montserrat's foreign debt, held mainly with the Caribbean Development Bank (CDB) stands at approximately EC$ 20 million (£5.3 million). The balance is similar to that of 2001 because of a three-year moratorium on several loans. The Government is trying to find a way to retire some debts earlier than programmed because many of them were for assets that were rendered unusable by volcanic activity. This situation has hampered the Government's flexibility to borrow further to finance critical projects. The Government is discussing the possibility of undertaking additional loans with the United Kingdom and with the CDB. Meanwhile, the CDB has approved six projects for Montserrat totalling EC$ 200,000 under the Basic Needs Trust Fund programme. The projects include the rehabilitation of two schools and training programmes for lower-income communities.[9]

22. In June 2000, the Organisation for Economic Cooperation and Development (OECD) published a list of 35 countries, including Montserrat, labelled as offshore financial centres that had harmful tax practices. OECD insisted that those jurisdictions must improve their financial regulations and eliminate those practices or face sanctions. An independent review of the Caribbean Territories published in October 2000, assessed the extent to which each Territory regulated its international financial sector and complied with international standards and good practice. Montserrat's response to OECD in January 2001 noted that certain aspects of legislation were compliant with good practice standards. It also recognized some deficiencies in the local regulation of financial services and stated the Government's intention to address the need for more trained personnel for the regulatory authority, an improved level of supervision over the offshore banks, a change of legislation for licensing and supervision of insurance and other outside companies.[10] On 7 March 2002, OECD announced that it had removed Montserrat from its list of tax havens as the Territory had made a commitment to transparency and effective exchange of information on tax matters with OECD countries by the end of 2005.[11]

C. Tourism

23. Despite the lack of proper facilities and the adverse publicity caused by the volcanic activity, Montserrat's tourism industry is steadily recovering. According to the Director of Tourism, the year 2000 recorded an 11 per cent rise over 1999, with 14,356 arrivals, and 2001 recorded an 8.7 per cent rise up to October compared to the previous year. The full 2001 figures may show a decline due to a downturn in air travel worldwide triggered by the 11 September 2001 events. Visitor expenditure during 2000 was EC$ 24 million, EC$ 2.2 million more than in 1999. It is expected that the construction of a new airport will increase tourism, as will an awareness programme to dispel some of the myths regarding potential volcanic

dangers, new hiking trails and visitor facilities to view the volcano. Ferry and helicopter services to Antigua and Barbuda are currently provided and it is thought that there is the potential for increasing the number of day tours from these neighbouring islands.[12]

D. Agriculture and fisheries

24. According to the Chief Minister, the prolonged dry spell in the first half of 2001 seriously impacted agricultural production, which fell by 45 per cent. This highlighted the need for irrigation systems and dams. Three mini dams were completed by the end of 2001 and a fourth is under construction. The main crops produced in 2001 were white potato, sweet pepper, cucumber and okra. The level of egg production, which was negligible in 2000, increased substantially to 10,800 dozens in 2001. Fish catch also increased by 8 per cent in 2001 to 77,515 pounds of produce. In 2002 it is expected that the focus will continue to be on the construction of critical agricultural infrastructure. An allocation of EC$ 459,200 has been made in the 2002 budget for irrigation systems. The Government has specified three main areas in the move towards agricultural self-sufficiency, the first being crops such as roots and tubers, fruit, leafy vegetables and condiments; the second being egg and poultry meat production and the third being support to the Livestock Producers Association and the Farmers Association. Emphasis is also being placed on the training of fisheries staff. Finally, a public market is scheduled to be opened at Little Bay Festival Village during 2002 to replace the Plymouth Market lost in 1995.[13]

VI. Social conditions

A. Education

25. In 1998, there were four government primary schools in operation in the designated safe zone, accommodating children from both the non-evacuated and the evacuated areas. In addition, there are two private primary schools, one private secondary school and one amalgamated government secondary school with three campuses.[14]

26. To meet the growing demand for school places at all levels, a number of projects are being undertaken in the safe areas of the Territory. During 2001, the Government introduced a Five-Year Education Plan, advanced level classes were reintroduced at the Montserrat Secondary School and a Unit for children with special needs was established. In December 2001, the Montserrat Government granted an operating licence for the Medical School of St. Mary, which is expected to have an initial student body of 20. In March 2002, an Early Childhood Centre, funded by the United Kingdom, was opened in Look Out.[15] In addition, the European Union and DfID are funding a EC$ 6 million tertiary-level Community College, which is scheduled for completion by September 2003.

B. Health

27. According to the World Health Organization (WHO), a health project developed by the Government of the United Kingdom, with technical assistance provided by the Pan American Health Organization (PAHO), aims to rebuild the health services in Montserrat to the pre-volcanic level. Community health clinics, providing free services for Montserratians, are in operation in the safe zone at three locations: St. Peter's, Cudjoe Head and St. John's. In addition, there are two private medical practitioners and one private dental practitioner on the island. St. John's Hospital was refurbished in 1999 and now has 30 beds, places for 50 elderly persons, a new pharmacy, a laboratory and medical records facilities, and new casualty, X-ray and outpatient departments, and a secure facility for psychiatric patients. An operating theatre is due to be built within the St. John's facility in 2002, thus avoiding the need to transport patients to Antigua for operations. Some services that are not available in the Territory on a full-time basis are procured through ongoing arrangement with visiting specialists. The Ministry of Health is scheduled to conduct a quality-of-care survey in 2002 to assist in developing long-term health action plans.[16]

28. In March 2002, health officials expressed concern over the increase of new cases of HIV/AIDS and hepatitis B, linked to sexually transmitted diseases, which were reported in 2001. An HIV/sexually transmitted diseases educators' training programme has been initiated in Montserrat with funding from UNAIDS and various international Red Cross Societies.[17]

C. Housing and infrastructure development

29. According to the Chief Minister, in spite of all prior efforts to house those displaced by the volcano eruption, as of March 2002 there were still 1,000 displaced households in need of housing. Additionally, the housing register showed that many Montserratians would return to the island if they had access to land and mortgage financing. As a result of the Government's housing strategy, DfID approved a further £10 million for housing for 2001-2006 and the European Community provided £3.25 million in parallel funds. The housing programme comprises infrastructure development, refurbishment of houses and the servicing of building lots. Under the Self-build Materials Grant Programme, another 44 awards were allotted to Montserratians during the 2001 financial year. One of the main aims of the Government is to restore the level of home ownership prior to the volcanic eruption. To this end, it has welcomed the scheduled relaunching of mortgages programmes by the Montserrat Building Society and the Bank of Montserrat in July 2002. The Chief Minister has also announced that during 2002 the existing Government Housing Unit and the Land Development Authority will be merged into a new National Housing and Development Corporation.

30. A number of infrastructure projects were begun in 2001, among them the construction of sheltered housing for the elderly and the nursery school at Look Out; the Land Development Authority, new police headquarters and fire station in Brades; the St. John's Health Centre and Emergency Department Warehouse in St. Johns; the Volcano Observatory in Fleming; and the renovation of the Cudjoe Head Police Station. The Montserrat Football Association stadium and a National Cultural Centre are due to be completed in 2002. Still pending is a final decision on the site for a new airport. Preliminary estimates for airport construction are EC$ 41.5 million, EC$ 18 million to be funded by the European Union and the rest by DfID and the Government of Montserrat.

D. Human rights

31. According to press reports, a two-person human rights team held workshops and gatherings in Montserrat in March 2002, as part of an effort by the United Kingdom authorities to bring the people of the Overseas Territories up to date on their international treaty obligations and to listen to them on issues of human rights. The media quoted the team as noting that Montserrat was further ahead in human rights achievements than other British Overseas Territories in that Montserrat had "a Bill of Rights in the Constitution, clear people-centred social welfare policies, trade unions and a climate of safety and peace".[18]

32. With the destruction of Plymouth, Montserrat also suffered the destruction of its prison. Since then, largely ad hoc arrangements have had to be made for the accommodation of prisoners. The majority of prisoners with longer sentences are sent to other overseas Territories administered by the United Kingdom. In this regard, in December 2001, the Human Rights Committee, having considered the reports submitted by the United Kingdom on its Overseas Territories, expressed concern over the situation of long-term prisoners from Montserrat, who had to serve sentences in other Territories. The Committee asked that the United Kingdom ensure that, consistent with articles 10, 17, 23 and 24 of the International Covenant on Civil and Political Rights, long-term prisoners may serve their sentences in their own Territory, or that alternatively, non-custodial means of punishment be investigated.[19]

E. Evacuees

33. Assistance to Montserratians who chose to relocate within the Caribbean is provided by the United Kingdom DfID. The programme, called Targeted Assistance for Montserratians in the Caribbean, was established to provide financial assistance to vulnerable groups who were unable to meet their essential needs, including food, rent, utilities, medical expenses, etc. DfID also provides funding for Montserrat associations and non-governmental organizations assisting evacuees, and helps in purchasing tools and materials for the establishment of businesses. A small business programme for evacuees in Antigua and Barbuda and in Bermuda was set up and is managed through the Citizens and Friends of Montserrat.

34. Neighbouring countries have made a considerable contribution to the well-being of evacuees. According to the Government of Antigua and Barbuda, the population of that country increased by 5 per cent as it

has absorbed displaced Montserratians. The relocated inhabitants of the Territory are provided with medical benefits and social services. Free education is offered to students from kindergarten up to tertiary level.

35. In September 2001, the Temporary Protected Status of Montserratians living in the United States as a result of the volcanic crisis was extended until 27 August 2002.[20]

VII. United Kingdom development assistance

36. Since the onset of the volcano crisis, DfID has committed over £135 million to Montserrat, much of this sum being used to establish basic infrastructure in the "safe" northern part of the island in order to return some normality to social and economic life. Currently, DfID has earmarked £72 million between 2002 and 2005/2006 for projects within the Country Policy Plan. In November 2001, as a result of the Country Policy Plan discussions between the Government of Montserrat and DfID, the British Government decided to grant more financial autonomy to the local Government. New initiatives in this direction include an increased EC$ 1.5 million budget for minor public works and a new scheme for locally funded projects, with an annual budget of EC$ 2 million.[21] The Montserrat-based DfID team will be halved during 2002, leaving four Montserratian and two United Kingdom appointed staff on the island. The Governor's Office has expended approximately £380,000 on projects, in Montserrat during the 2001-2002 financial year, tapping funds from various British Government sources. These funds have been used for projects in the areas of environment, training, health, and legal and legislative programmes. The Chief Minister of Montserrat has expressed some concern regarding the rate of decline of grants from the United Kingdom (see para 20.).

VIII. Assistance provided by the United Nations and other international organizations

37. United Nations assistance to Montserrat is provided mainly through UNDP, which maintains programmes of technical cooperation with five Non-Self-Governing Territories of the Caribbean, including Montserrat.

38 After the first volcanic eruptions in 1995, Montserrat was designated as a country in Special Development Circumstances. Since then, support from the UNDP office in Barbados and the Sub-Regional Office of the Organization of Eastern Caribbean States (OECS) has focused on disaster mitigation and institutional strengthening in support of Montserrat's Post-Emergency Resettlement Programme. This involves support to the Government of Montserrat through the placement of United Nations Volunteers (UNV) in key strategic physical and social infrastructure areas. Currently, four international UNVs are providing support in geographic information systems, architecture, occupational therapy (with special emphasis on support for the disabled and elderly), and psychology/community work. A fifth UNV will join as a civil engineer in April 2002. One volunteer is fully funded by the Government of Japan and the rest are funded by DfID. UNDP is also supporting the implementation of an integrated vulnerability assessment of the island, which will provide guidance on disaster vulnerability to development planners and private sector initiatives over the next 25 years.

39. Assistance is also provided by other organizations of the United Nations system, such as WHO and the United Nations International Drug Control Programme (UNDCP). The 2000-2001 health programme established by WHO/PAHO in response to the priority needs as defined by its local Government consists of three projects: environmental health, health promotion and disease prevention, and health services development. Montserrat also participates in a UNDCP project designed to assist customs administrations in the establishment of a regional clearance system for small vessels and light aircraft in order to improve the interdiction of illicit drug-trafficking.

40. In 2000, Montserrat signed a Framework of Cooperation agreement with the European Community's European Development Fund. Initial funding for the period 2000-2003 is 8 million euros, with the overall objective of resettling displaced persons. Primary commitments within the agreement are the provision of housing, sites and services, a Community Support Service Centre and a tertiary-level college.[22]

IX. Relations with international organizations and entities

41. The Territory continues to be a member of CARICOM and OECS, as well as the institutions associated with both groups, including the University of the West Indies, the CDB and the Eastern Caribbean Central Bank. Montserrat is an associate member of the Economic Commission for Latin America and the Caribbean (ECLAC) and its subsidiary bodies. The Territory is represented at the meetings of the Caribbean Group for Cooperation in Economic Development, sponsored by the World Bank.

X. Future status of the Territory

A. Position of the territorial Government

42. In March 2002, in presenting the 2002 budget, the Chief Minister of Montserrat stated the following:

> "This Government supports the principles of democracy, accountability and transparency in governance. Our present bid for constitutional reform will not deviate from these principles. Many of you are aware that a Constitutional Committee has been established to review the present Constitution and the Government is looking forward to the recommendations of the Committee. Its terms of reference are designed to encourage broad based consultation and input. The Government of Montserrat is encouraging all interested persons and groups to participate in whatever way possible.
>
> "This Government recognizes that many areas within our legislation are outdated. We have therefore established a law revision committee led by our Attorney General's Office to review and improve current legislation where applicable. Consideration must be given to changes that have been made to international legislations, especially since 11 September last year. This and our own evolving relationship with regional institutions must be examined in light of Montserrat's status as an Overseas Territory of the United Kingdom. It is hoped that some of these issues would also be addressed in the ongoing Constitutional review."

B. Position of the administering Power

43. On 8 October 2001, the representative of the United Kingdom made a statement before the Fourth Committee (see A/C.4/56/SR.3) in which she welcomed the opportunity to present the position of her Government as administering Power and reported on further progress made towards the modernization and development of the relationship between the United Kingdom and its Overseas Territories.

44. The United Kingdom representative said that the third meeting of the Overseas Territories Consultative Committee had been held in London in September 2001. The meeting had been hosted by Baroness Amos, who was appointed Foreign Office Minister for the Overseas Territories in June 2001. The Consultative Committee provided a forum for structured political dialogue and exchange of views between the elected representatives of the Overseas Territories and Her Majesty's Government. The meeting was an opportunity to continue dialogue on the management of public affairs and future development of the Overseas Territories, and enabled Ministers and Overseas Territories governments to consult on matters such as the process of constitutional review and human rights issues arising from the United Kingdom's international commitments.

45. The representative of the United Kingdom said that the United Kingdom's partnership with her Overseas Territories continued to evolve and progress. On 21 June, the Government had introduced to Parliament the British Overseas Territories bill, which would grant British citizenship, with right to abode in the United Kingdom, to citizens from 13 of the United Kingdom's 14 Overseas Territories in fulfilment of a commitment made in the 1999 White Paper on the relationship between the United Kingdom and the Overseas Territories. The bill would also formally change the nomenclature from dependent to overseas Territory to reflect more accurately the nature of the relationship. The United Kingdom and most overseas Territories adopted an Environment Charter on 26 September, which set out 10 guiding principles expressing the key environmental commitments that the international community has adopted. The guiding principles were followed by specific commitments on the part of the United Kingdom and Overseas Territories' governments, indicating how they would work in partnership for the benefit of the environment.

It was a good example, the representative of the United Kingdom said, of how progress could be made by working together in an area of mutual interest, which was critical to the future prosperity, well-being and even survival of many of the Overseas Territories and their communities.

46. The representative of the United Kingdom pointed out that, as the record showed, for the United Kingdom, the wishes of the peoples concerned, exercised in accordance with the other principles set out in the United Nations Charter and in other international treaties, are of paramount importance. The relationship of the United Kingdom with the Territories continued to be based on the following fundamental principles: self-determination; mutual obligations; freedom for the Territories to run their affairs to the greatest degree possible; and a firm commitment from the United Kingdom to help the Territories economically and to assist them in emergencies. The representative of the United Kingdom said that she was sure the Special Committee recognized the basic commonality of approach between the British Government and the Committee. Nevertheless, she stated, it was a pity that while there was so much in common in their approaches, that was not always properly reflected in all relevant resolutions, in particular of the Special Committee on decolonization. The United Kingdom welcomed the fact that the annual "Omnibus" resolution stated that "... in the decolonization process there is no alternative to the principle of self-determination". The United Kingdom therefore regretted that the Special Committee continued only to apply that principle selectively. That principle was enshrined in the Charter of the United Nations and the International Covenant on Civil and Political Rights.

47. The United Kingdom, she stated, would continue to work to improve its cooperation with the Special Committee. A representative of the United Kingdom had attended the Regional Seminar of the Special Committee held in Havana in 2001. The United Kingdom welcomed the efforts made by the Special Committee begun under the constructive leadership of Ambassador Donigi, to pursue informal dialogue with the administering Powers with a view to possible future removal of the Territories from the Committee's list. Careful preparations would be necessary before the United Kingdom could expect substantive progress to be made, but the United Kingdom remained ready to cooperate with the Committee in these efforts.

XI. Consideration by the General Assembly

48. On 10 December 2001, the General Assembly adopted without a vote resolutions 56/72 A and B on Non-Self-Governing Territories. In section VII of the latter resolution, which concerns Montserrat, the Assembly, among other things, called upon the administering Power, the specialized agencies and other organizations of the United Nations system, as well as regional and other organizations, to continue to provide urgent emergency assistance to the Territory in alleviating the consequences of the volcanic eruptions; and welcomed the support of the Caribbean Community in the construction of housing in the safe zone to alleviate the shortage caused by the environmental and human crisis of the eruptions of the Montsoufriere volcano, as well as the material and financial support of the international community to help alleviate the suffering caused by the crisis.

Notes

[1] The information contained in the present paper has been derived from published reports and information available on the Internet. The facts and figures presented in the working paper are the latest information available.

[2] "Partnership for Progress and Prosperity: Britain and the Overseas Territories", United Kingdom White Paper, March 1999 (A/AC.109/1999/1, annex).

[3] Trinidad and Tobago; Guyana; Suriname; Netherlands Antilles; Aruba; Windward and Leeward Islands, 1st quarter 1998, The Economist Intelligence Unit, p. 74.

[4] *The Montserrat Reporter* web site (www.montserratreporter.org), 12 April 2002.

[5] www.montserrat-newsletter.com, Jan/Feb/March 2002.

[6] Ibid., September 2001, and www.montserratreporter.org, 11 March 2002.

[7] www.montserrat-newsletter.com, 20 September 2001, and www.montserratreporter.org, 15 March 2002.

[8] www.montserrat-newsletter.com, 20 September 2001.

[9] www.montserratreporter.org, 8 March 2002.

[10] Review of Financial Regulation in the Caribbean Overseas Territories and Bermuda: Implementing Recommendations, 8 February 2001 (www.fco.gov.uk/news/newstext.asp?4674).

[11] *Agence France Presse*, 7 March 2002.

[12] www.montserratreporter.org, 22 March 2002.

[13] Ibid., 18 January 2002.

[14] 1998 Caribbean Basin Profile, p. 315.

[15] www.montserratreporter.org, 14 December 2001 and 29 March 2002.

[16] Ibid., 14 December 2001 and 3 May 2002.

[17] Ibid., 1 March 2002.

[18] Ibid., 29 March 2002, "Human rights team and Montserrat visit".

[19] Document of the Human Rights Committee, seventy-third session, CCPR/CO/73/UKOT, 6 December 2001.

[20] www.montserrat-newsletter.com, 20 September 2001.

[21] www.montserratreporter, 4 December 2001.

[22] VIIth European Development Fund, Framework of Cooperation between the Overseas Territory of Montserrat and the European Community.

United Nations A/AC.109/2002/18

General Assembly

Distr.: General
30 May 2002

Original: English

Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Dissemination of information on decolonization during the period from June 2001 to May 2002

Report of the Secretary-General

I. Introduction

1. The General Assembly, in paragraph 2 of resolution 56/73 of 10 December 2001, adopted at its fifty-sixth session, considered it important "to continue ... efforts to ensure the widest possible dissemination of information on decolonization" and in paragraph 3 requested the Department of Public Information to "take measures through all the media available, including publications, radio and television, as well as the Internet, to give publicity to the work of the United Nations in the field of decolonization". The present report, prepared in response to that mandate, covers the activities undertaken by the Department in the field of decolonization during the period from June 2001 to May 2002.

2. The activities of the Department of Public Information pertaining to decolonization continued to focus on coverage of the work of the General Assembly and the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, building partnerships with civil society through the network of United Nations information centres and strengthening the use of the Internet for the widest possible dissemination of information. The independence of East Timor, one of the Territories to which the Declaration on the Granting of Independence to Colonial Countries and Peoples continued to apply until 20 May 2002, was a subject of extensive coverage.

II. Coverage of issues before the General Assembly

3. The Department provided full and comprehensive coverage of the General Assembly debate on decolonization, including in the Special Political and

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Decolonization Committee (Fourth Committee) and the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples. Special attention was paid to the opening of the 2002 session of the Special Committee. The opening statement made by the Deputy Secretary-General was issued as a press release and was widely disseminated. This and all press releases issued at Headquarters pertaining to the work of the United Nations in the area of decolonization were distributed electronically to the network of United Nations information centres worldwide.

4. The Department also provided coverage of the proceedings of the Pacific regional seminar organized by the Special Committee in Nadi, Fiji, from 14 to 16 May 2002. A press release was issued, highlighting the agenda of the seminar. The message of the Secretary-General to the Pacific regional seminar was also issued and widely distributed.

5. Decolonization was included as one of the topics covered in the Department's guided tours, and was discussed in the training of new guides and in the guides' daily briefings. During the reporting period, the Department held two special briefings on decolonization for the guided tours staff. In addition, decolonization was the subject of an extended briefing for a visiting group of 25 students from Drew University (United States of America). Also, during the same period, the Department responded to 42 requests for information about decolonization.

III. Independence of East Timor

6. With East Timor's accession to independence on 20 May 2002, the Department of Public Information, jointly with the United Nations Transitional Administration in East Timor (UNTAET), undertook a number of activities to highlight this event as a United Nations success story. An op-ed article by the Secretary-General, heralding the birth of a new nation, was placed in a major newspaper in the United States and other newspapers around the world. A press release was issued announcing the decision of the General Assembly to remove East Timor from the list of Non-Self-Governing Territories upon its accession to independence. A series of fact sheets, listing 20 major achievements of UNTAET, and a chronology of United Nations action in East Timor were issued. The Department's online news service also set up a special "In Focus" section on East Timor on its page on the United Nations web site in order to highlight the work of the United Nations in East Timor.

7. The independence celebration was broadcast live by Radio UNTAET. UNTAET's television station, TVTL, also broadcast the events in the Dili area and facilitated nationwide broadcast.

8. At a special event held at United Nations Headquarters to celebrate East Timor's independence, a film screening was arranged for delegates and staff. The Department also organized a special exhibit at United Nations Headquarters, illustrating the successful East Timor decolonization process.

9. The Department continued to assist UNTAET with its information programme both inside and outside the Territory. It helped identify and select information officers and a graphic designer for UNTAET. It also organized a briefing visit by UNTAET's Director of Public Information to United Nations Headquarters.

10. The United Nations Information Centre at Sydney worked with an advertising agency on a three-minute documentary on East Timor, which was promoted to Australian and international media. The video was also made available to viewers through the United Nations web site.

IV. United Nations radio and television

11. The Department's radio and television sections covered various aspects of decolonization and related issues, including the independence of East Timor, in daily news programmes and current affairs magazines in the official and unofficial languages. Two radio producers were sent to East Timor to cover the country's accession to independence. Their daily reports and interviews were all incorporated into United Nations Radio's daily news and weekly current affairs magazine. The celebrations of East Timor's independence were broadcast by United Nations Radio in all six official languages of the United Nations, as well as in Portuguese.

12. In its news programmes, United Nations Radio continued to report on the work of the Special Committee of 24 and the Fourth Committee of the General Assembly. Subjects covered by news and feature reports included the situation in East Timor, the work of UNTAET, the Pacific regional seminar on decolonization in Nadi, Fiji, in May 2002 and the opening of the session of the Special Committee in February 2002.

13. The Department produced a 20-minute "B-roll" video on the work of the United Nations in East Timor for distribution to broadcasters worldwide. The Department also deployed a video producer and a Portuguese-speaking and an English-speaking radio producer to cover the independence celebrations. The video will later be used for "United Nations in Action" television programmes, as well as for "Year in Review" later in the year.

V. Publications

14. The English version of the Department's new brochure entitled "The United Nations and Decolonization" was widely distributed through the network of information centres. Copies were also distributed at the Pacific regional seminar on decolonization in Nadi, Fiji, in May 2002. At the request of non-governmental groups in Guam, 2,000 copies of the brochure were sent to Hagatna, Guam. French and Spanish versions of the brochure are now being printed and will soon be available for general distribution.

15. Work is also under way to have the Department's reference book *Decolonization: The task ahead* published in English, with revisions and updated information on the political status and socio-economic conditions of 16 Non-Self-Governing Territories. The draft is now under review.

16. *UN Chronicle*, the Department's quarterly magazine, continued to provide coverage of the General Assembly's work in the field of decolonization. Under the banner "Democracy and decolonization", the magazine presented in its year-ending issue for 2001 an in-depth analysis of East Timor's path to independence. It also published an article by Bernard Tanoh-Boutchoué, Vice-Chairman of the Special

Committee, on the proceedings of the Caribbean regional seminar (Havana, Cuba, 23-25 May 2001).

VI. Internet

17. A web page created in February 2000 to highlight developments in the area of decolonization continued to be updated. In addition to posting decolonization-related United Nations documents in English, French and Spanish, the page provides a brief history of decolonization, explains the role and work programme of the Special Committee of 24 and provides updates on its activities, including the various regional seminars.

18. The Department also maintained and regularly updated a web site on UNTAET on the United Nations home page. The site contained briefing notes, fact sheets, documents and other press material. With the launching of United Nations Mission of Support in East Timor, the Department has created a web page to report on the work of the new Mission. The Department continues to maintain the web page of the United Nations Mission for the Referendum in Western Sahara on the United Nations web site.

VII. United Nations information centres and services

19. The network of United Nations information centres, services and offices continued to promote the United Nations work in the area of decolonization. During the period under review, such activities concentrated on the developments in East Timor. Where necessary, the centres translated the message by the Secretary-General and the op-ed article by his Special Representative for East Timor following the elections of August 2001, for placement in key media in the countries that they service. The United Nations Information Centre at Lisbon took the lead in translating into Portuguese the information materials on the political process in East Timor for dissemination to the media and opinion makers, as well as for posting on the web. In addition, these translations were shared with other United Nations offices in Portuguese-speaking countries with a view to assisting them in their outreach activities.

20. The United Nations Information Centre at Jakarta took the lead role in informing the media and other opinion makers in Indonesia about the United Nations activities in East Timor, and translated the relevant information materials, including the brochure "The United Nations and East Timor" (DPI/2152) into Bahasa Indonesia. The United Nations Information Centre at Bonn prepared a background paper in German on the August 2001 elections in East Timor; it was widely disseminated to the German media, posted on its web site and also made available to the United Nations Information Service at Vienna.

21. The United Nations Information Centre at Tokyo organized a mission for the Japanese media to East Timor to get a first-hand view of the developments there and, upon return, held a debriefing session for the participants to get their feedback and views.

22. The United Nations Information Centre at Rio de Janeiro assisted one of the three Brazilian educational television channels in the preparation of a one-hour

feature on East Timor and provided it with relevant United Nations background and video material. The programme was aired nationwide in April 2002.

23. United Nations information centres, including those at Lisbon, Rio de Janeiro and Sydney, assisted the Special Representative of the Secretary-General during his official travel and made extensive media arrangements, including for press conferences and exclusive interviews. In addition, the Director of the United Nations Information Centre at Lisbon represented the United Nations at several high-level conferences held in Portugal on various aspects of transition in East Timor and wrote several op-ed and other articles that were carried by the Portuguese media.

24. The United Nations Information Service at Geneva provided regular news coverage and press briefings on East Timor and UNTAET activities. The Special Representative of the Secretary-General briefed the media accredited to Geneva during the year. The United Nations Information Service at Geneva also distributed information material relating to East Timor's transition to independence.

25. The staff of the United Nations Information Service at Vienna, speaking on the work of the United Nations, included in their lectures information about the Organization's activities in the field of decolonization. The issue was also mentioned in lectures in the framework of reforms, especially as regards institutional reforms, and the work of the Trusteeship Council.

26. During the period covered by the present report, United Nations information centres organized various activities aimed at disseminating information about and promoting awareness of the United Nations work on decolonization. These included the organization of press conferences and lectures, participation in round tables, production of information material, and the preparation of press releases and audio and visual products on the issue.

United Nations A/AC.109/2002/19

General Assembly

Distr.: General
4 June 2002

Original: English

Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Resolution adopted by the Special Committee at its 3rd meeting, on 3 June 2002

Dissemination of information on decolonization

The Special Committee,

Having examined questions relating to the dissemination of information on decolonization,

Recalling General Assembly resolution 1514 (XV) of 14 December 1960, containing the Declaration on the Granting of Independence to Colonial Countries and Peoples, and other resolutions and decisions of the United Nations concerning the dissemination of information on decolonization, in particular General Assembly resolution 56/73 of 10 December 2001,

Recognizing the need for flexible, practical and innovative approaches towards reviewing the options of self-determination for the peoples of Non-Self-Governing Territories with a view to achieving the goals of the Second International Decade for the Eradication of Colonialism,

Reiterating the importance of dissemination of information as an instrument for furthering the aims of the Declaration, and mindful of the role of world public opinion in effectively assisting the peoples of Non-Self-Governing Territories to achieve self-determination,

Recognizing the role played by the administering Powers in transmitting information to the Secretary-General in accordance with the terms of Article 73 *e* of the Charter of the United Nations,

Aware of the role of non-governmental organizations in the dissemination of information on decolonization,

1. *Approves* the activities in the field of dissemination of information on decolonization undertaken by the Department of Public Information and the Department of Political Affairs of the Secretariat;

2. *Considers it important* to continue its efforts to ensure the widest possible dissemination of information on decolonization, with particular emphasis

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on the options of self-determination available for the peoples of Non-Self-Governing Territories;

3. *Requests* the Department of Political Affairs and the Department of Public Information to take into account the suggestions of the Special Committee to continue their efforts to take measures through all the media available, including publications, radio and television, as well as the Internet, to give publicity to the work of the United Nations in the field of decolonization and, inter alia:

(a) To continue to collect, prepare and disseminate, particularly to the Territories, basic material on the issue of self-determination of the peoples of Non-Self-Governing Territories;

(b) To seek the full cooperation of the administering Powers in the discharge of the tasks referred to above;

(c) To maintain a working relationship with the appropriate regional and intergovernmental organizations, particularly in the Pacific and Caribbean regions, by holding periodic consultations and exchanging information;

(d) To encourage the involvement of non-governmental organizations in the dissemination of information on decolonization;

(e) To report to the Special Committee on measures taken in the implementation of the present resolution;

4. *Requests* all States, including the administering Powers, to continue to extend their cooperation in the dissemination of information referred to in paragraph 2 above;

5. *Decides* to continue to examine this question and to report thereon to the General Assembly at its fifty-eighth session.

United Nations A/AC.109/2002/20

General Assembly

Distr.: General
4 June 2002

Original: English

Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Resolution adopted by the Special Committee at its 3rd meeting, on 3 June 2002

Information from Non-Self-Governing Territories transmitted under Article 73 *e* of the Charter of the United Nations

The Special Committee,

Recalling General Assembly resolution 1970 (XVIII) of 16 December 1963, in which the Assembly requested the Special Committee to study the information transmitted to the Secretary-General in accordance with Article 73 *e* of the Charter of the United Nations and to take such information fully into account in examining the situation with regard to the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, contained in General Assembly resolution 1514 (XV) of 14 December 1960,

Recalling also General Assembly resolution 56/65 of 10 December 2001, in which the Assembly requested the Special Committee to continue to discharge the functions entrusted to it under resolution 1970 (XVIII),

Stressing the importance of timely transmission by the administering Powers of adequate information under Article 73 *e* of the Charter, in particular in relation to the preparation by the Secretariat of the working papers on the Territories concerned,

Having examined the report of the Secretary-General,[1]

1. *Reaffirms* that, in the absence of a decision by the General Assembly itself that a Non-Self-Governing Territory has attained a full measure of self-government in terms of Chapter XI of the Charter of the United Nations, the administering Power concerned should continue to transmit information under Article 73 *e* of the Charter with respect to that Territory;

2. *Requests* the administering Powers concerned to transmit or continue to transmit to the Secretary-General the information prescribed in Article 73 *e* of the

[1] A/57/74.

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Charter, as well as the fullest possible information on political and constitutional developments in the Territories concerned, within a maximum period of six months following the expiration of the administrative year in those Territories;

3. *Requests* the Secretary-General to continue to ensure that adequate information is drawn from all available published sources in connection with the preparation of the working papers relating to the Territories concerned;

4. *Decides*, subject to any decision that the General Assembly may take in that connection, to continue to discharge the functions entrusted to it under Assembly resolution 1970 (XVIII), in accordance with established procedures.

Welcoming the commencement of informal dialogue between the Special Committee and some administering Powers,

1. *Stresses* the need to dispatch periodic visiting missions to Non-Self-Governing Territories in order to facilitate the full, speedy and effective implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples with respect to those Territories;

2. *Calls upon* the administering Powers to cooperate or continue to cooperate with the United Nations by receiving United Nations visiting missions in the Territories under their administration;

3. *Requests* the administering Powers to consider new approaches in the work of the Special Committee, and urges them to cooperate with the Special Committee in its efforts;

4. *Requests* its Chairman to continue consultations with the administering Powers concerned and to report thereon to the Special Committee as appropriate;

5. *Also requests* its Chairman to enter into consultations with the administering Power of Guam with a view to facilitating the dispatch of a United Nations visiting mission to that Territory to coincide with the proposed plebiscite to be conducted by the Guam Electoral Commission on or about 7 September 2002.

United Nations A/AC.109/2002/22

General Assembly

Distr.: General

11 June 2002

Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Resolution adopted by the Special Committee at its 6th meeting, on 10 June 2002

Special Committee decision of 21 June 2001 concerning Puerto Rico

The Special Committee,

Bearing in mind the Declaration on the Granting of Independence to Colonial Countries and Peoples, contained in General Assembly resolution 1514 (XV) of 14 December 1960, as well as the resolutions and decisions of the Special Committee concerning Puerto Rico,

Considering that the decade of the 1990s was proclaimed by the General Assembly, in its resolution 43/47 of 22 November 1988, as the Decade for the Eradication of Colonialism, and that by resolution 55/146 of 8 December 2000, the General Assembly declared the period 2001-2010 the Second International Decade for the Eradication of Colonialism,

Bearing in mind the 20 resolutions and decisions adopted by the Special Committee on the question of Puerto Rico, contained in the reports of the Special Committee to the General Assembly,

Recalling that 25 July 2002 marks the one hundred and fourth anniversary of the intervention in Puerto Rico by the United States of America,

Also recalling the diverse initiatives taken by the political representatives of Puerto Rico and the United States in recent years, which have thus far failed to set in motion the process of decolonization of Puerto Rico,

Stressing the need for the United States to lay the groundwork for the full implementation of General Assembly resolution 1514 (XV) and the resolutions and decisions of the Special Committee concerning Puerto Rico,

Taking into account the measures recently adopted by both Chambers of the Legislative Assembly of Puerto Rico recommending the convening of a Status

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Assembly of the people of Puerto Rico as part of the search for procedures that would make it possible to launch the process of decolonization of Puerto Rico,

Aware that Vieques Island, Puerto Rico, has been used for over 60 years by the United States Marines to carry out military manoeuvres, thereby limiting access by the civilian population to an area equivalent to barely a quarter of the island, with negative consequences for the health of the population, the environment and the economic and social development of the Territory,

Regretting that the Government of the United States continues its military manoeuvres and bombings on Vieques Island, which is inhabited, removing and incarcerating hundreds of peaceful demonstrators, including political figures, and imposing further restrictions on the civilian population,

Noting the intention expressed by the President of the United States to put an end to the military manoeuvres on Vieques by 1 May 2003 or earlier,

Further noting the consensus among the people as well as within the Government of Puerto Rico on the urgency of halting the military manoeuvres on Vieques Island and on the return of the occupied land to the people of Puerto Rico,

Bearing in mind that an official referendum called by the Government of Puerto Rico on 29 July 2001 showed that an overwhelming majority of the people of Vieques are in favour of an immediate, permanent halt to military manoeuvres on Vieques,

Noting the consensus among the people of Puerto Rico in favour of the release of all Puerto Rican political prisoners who are serving sentences in United States prisons for cases related to Puerto Rico's independence,

Recalling the release of 11 Puerto Rican political prisoners in 2000,

Noting that the final document of the Thirteenth Ministerial Conference of the Movement of Non-Aligned Countries, held in Cartagena (Colombia) on 8 and 9 April 2000,[1] the final communiqué of the Meeting of the Ministers for Foreign Affairs and Heads of Delegation of the Non-Aligned Movement, held in New York on 14 November 2001,[2] and the final communiqué of the Ministerial Meeting of the Coordinating Bureau of the Movement of Non-Aligned Countries, held in Durban (South Africa) from 27 to 29 April 2002, reaffirm the right of the people of Puerto Rico to self-determination and independence on the basis of General Assembly resolution 1514 (XV) and request the Special Committee to continue actively pursuing the issue of Puerto Rico,

Having heard statements and testimonies representative of various viewpoints among the people of Puerto Rico and their social institutions,

Having considered the report of the Rapporteur of the Special Committee on the implementation of the resolutions concerning Puerto Rico,[3]

1. *Reaffirms* the inalienable right of the people of Puerto Rico to self-determination and independence in conformity with General Assembly resolution

[1] A/54/917-S/2000/580, annex.
[2] A/56/682-S/2001/1159, annex.
[3] A/AC.109/2002/L.4.

1514 (XV) and the applicability of the fundamental principles of that resolution to the question of Puerto Rico;

2. *Reiterates* that the Puerto Rican people constitute a Latin American and Caribbean nation that has its own unequivocal national identity;

3. *Calls upon* the Government of the United States of America to assume its responsibility of expediting a process that will allow the Puerto Rican people fully to exercise their inalienable right to self-determination and independence, in conformity with General Assembly resolution 1514 (XV) and the resolutions and decisions of the Special Committee concerning Puerto Rico;

4. *Notes with satisfaction* that, in recent years, progress has been achieved towards the implementation of a mechanism that would ensure the full participation of representatives of all viewpoints prevailing in Puerto Rico, such as the proposals to convene a status Assembly of the people of Puerto Rico;

5. *Reiterates* the hope that the General Assembly will give comprehensive consideration to the question of Puerto Rico in all its aspects;

6. *Urges* the Government of the United States, in line with the need to guarantee the Puerto Rican people their legitimate right to self-determination and the protection of their human rights, to order an immediate halt to its armed forces' military drills and manoeuvres on Vieques Island, which is inhabited, return the occupied land to the people of Puerto Rico, halt the persecution, incarceration, arrests and harassment of peaceful demonstrators, immediately release all persons incarcerated in this connection, respect fundamental human rights, such as the right to health and economic development, and decontaminate the impact areas;

7. *Requests* the President of the United States of America to release all Puerto Rican political prisoners serving sentences in United States prisons for cases related to the struggle for the independence of Puerto Rico;

8. *Notes with satisfaction* the report prepared by the Rapporteur of the Special Committee,[3] in compliance with its resolution of 21 June 2001;

9. *Requests* the Rapporteur to report to the Special Committee in 2003 on the implementation of the present resolution;

10. *Decides* to keep the question of Puerto Rico under continuous review.